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WEDNESDAY, JUNE 5, 1776

A letter of the 2d from Major General Putnam, with sundry letters and papers enclosed, was laid before Congress, and read:[1]

Resolved, That the same be referred to the Committee on Prisoners.

A letter from the committee of Greenwich, in Cumberland county, in New Jersey, dated 3 instant, was laid before Congress and read, informing that the sloop *Betsey and Ann*, Benjamin Tucker, master, from Bermudas, was arrived there with 1700 bushels of salt, and two puncheons of Rum, which he is desirous of exchanging for provisions, which the inhabitants of the islands of Bermudas are in extreme want of:[2] Whereupon,

Resolved, That the said master be allowed to exchange his cargo for provisions, and to export the same, under the inspection and direction of the committee of Greenwich, who are desired to take an oath, or such other security as they think proper, of the said master, that he will carry the same to the islands of Bermudas, and will use his utmost endeavours to avoid all English men of war and cutters.

The Congress took into consideration the report from the committee of the whole: Whereupon,

Resolved, That a committee of five be appointed to consider what is proper to be done with persons giving intelligence to the enemy, or supplying them with provisions:

The members chosen, Mr. J[ohn] Adams, Mr. [Thomas] Jefferson, Mr. [Edward] Rutledge, Mr. [James] Wilson, and Mr. R[obert] R. Livingston.

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 11.

[2] This letter is in the *Papers of the Continental Congress*, No. 58, folio 211.

Resolved, That the deputy commissaries general, deputy quarter masters general, deputy adjutants general, and deputy muster masters general, make regular returns and reports to Congress, and to the respective officers to whom they are deputies, at least once a month, and that the principals also make returns to Congress at the same periods.

That the pay master general, and the deputy pay masters general, make monthly returns to Congress of their expenditures, and the state of the military chests in their several departments:

Resolved, That the flying camp be under the command of such continental general officers as the commander in chief shall direct:

That expresses be established between the several continental posts:

Resolved, That the militia, when in service, be regularly paid and victualled in the same manner as the continental troops:

Resolved, That a pay master be appointed to each regiment. That it shall be the duty of the regimental pay masters to keep all the accounts of their respective regiments, and to observe such rules and orders as shall be given them in command by the general or commander in chief, and that each of them be allowed for this service dollars per month.[1]

Resolved, That the aids de camp of the commander in chief rank as lieutenant colonels:

That the aids de camp of major generals rank as majors, ~~but not to take rank of regimental or brigade majors.~~[2]

That Robert Hanson Harrison, Esqr have the rank of lieutenant colonel in the continental army:

[1] On the margin is "not agreed to in committee." The paragraph is found in Charles Thomson's minute on the proceedings in committee of the whole, in the *Papers of the Continental Congress*, No. 19, VI, folio 193.

[2] The last clause is taken from the Thomson minute.

Resolved, That the assistant quarter masters general be allowed captain's pay:[1]

That the pay of the regimental surgeons be augmented to thirty three dollars and one third of a dollar a month.[2]

Resolved, That a committee, to consist of one member from each colony, be appointed, to consider of ways and means of establishing expresses between the several continental posts:

The members are, Mr. [Josiah] Bartlett, Mr. S[amuel] Adams, Mr. [William] Ellery, Mr. [Oliver] Wolcott, Mr. [Francis] Lewis, Mr. W[illiam] Livingston, Mr. [Benjamin] Franklin, Mr. [Cæsar] Rodney, Mr. [John] Rogers, Mr. [Carter] Braxton, Mr. [Joseph] Hewes, Mr. [Thomas] Lynch, jun. and Mr. [Button] Gwinnett.

The Congress then proceeded to the election of an adjutant general and quarter master general, to fill up the vacancies in those offices; when the ballots being taken and examined,

Joseph Reed, Esqr was elected adjutant general; and

Stephen Moylan, Esqr was elected quarter master general.

Resolved, That Joseph Reed, Esqr have the pay of 125 dollars a month, and the rank of colonel:

That Stephen Moylan, Esqr have the pay of 80 dollars a month, and the rank of colonel.

Resolved, That the election of majors general be postponed.

Resolved, That no person shall be appointed to any place of profit, unless the person to be appointed shall have a majority of the voices of the colonies represented at the time of Election.

[1] In the *Papers of the Continental Congress*, No. 19, VI, folio 177, is a sheet containing these two paragraphs in the writing of Charles Thomson. An endorsement "Resolution agreed on by the Committee of the whole Congress, June 3, 1776."

The Congress then proceeded to the election of two brigadiers general, when the ballots being taken, the following gentlemen were elected: viz.

John Whitecombe, Esqr.

Hugh Mercer, Esqr.

Resolved, That this Congress will to morrow again resolve itself into a committee of the whole to take into their farther consideration the report of the Committee of Conference.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 6, 1776

Sundry letters and papers being received, were laid before Congress and read.

Two letters from Major General Schuyler, of the 31 May and 1st June.

A letter from the commissioners in Canada, of the 27 and 28 May.

Three letters from General Thomas, two to the commissioners in Canada, 15 and 20 May, and one to General Wooster, 27 of the same month:

Three from Brigadier General Arnold, to the commissioners in Canada, of the 17, 25, and 27 May, enclosing cartel ||entered into between him and Captain Foster,|| for exchange ||of prisoners:||

One from Brigadier General Thompson, of the 25 of May, to the said commissioners.[1]

[1] The letters of Schuyler are in the *Papers of the Continental Congress*, No. 153, II, folios 179, 186. That of the commissioners is in No. 166, folio 53. Those of Arnold are in No. 162, folios 68, 72, 74. A copy of the articles of capitulation is in No. 29, folio 251.

Resolved, That a copy of the letter from the commissioners in Canada be sent to General Washington;

Resolved, That Brigadier General Wooster be directed immediately to repair to Headquarters at New York:

That the letters just received [and read,] be referred to a committee of 5:

The members chosen, Mr. [Roger] Sherman, Mr. [George] Wythe, Mr. [Jonathan D.] Sergeant, Mr. F[rancis Lightfoot] Lee, and Mr. [Button] Gwinnett.

Resolved, That the Standing Committee for Indian Affairs be directed to devise ways and means for carrying into effect the resolution of the 3d, empowering the General to employ in Canada a number of Indians, not exceeding two thousand.

The committee to whom was referred an extract of a letter from a gentleman in Bermuda, dated 26 April, and continued to May 1, to a gentleman in Philadelphia, brought in their report, which was read, and the same being taken into consideration,

Ordered, To lie on the table.

The Congress took into consideration the speech prepared by the committee to be delivered to the Indians, which was agreed to:[1]

Resolved, That the delivery of this speech be deferred for some days.

The Committee of Claims reported, that there is due,

To Captain William West, for expences in conducting money to Williamsburg, horse hire, &c. included, the sum of £82 5 10=219 40/90 dollars:

To Melchior Meng, for twenty one days hire of his waggon and horses carrying money to Virginia, the sum of £15 15=42 dollars:

[1] This report is printed under June 11, p. 430, *post*.

To Benjamin Towne, the sum of £9 17 3=26 27/90 dollars for cartouch boxes, being so much paid him less than the price contracted for:

To Robert Porter, for accoutrements for Colonel Hartley's regiment, the sum of £7 0 6=18 66/90 dollars, and that the same ought to be paid and charged to the said regiment:

To John Kuntz, the sum of £8 0 10=21 40/90 dollars, of which sum there is due, for entertaining General Lee's guard, the sum of £4 0 0 ||=10 60/90 dollars,|| and for expresses, the sum of £4 0 10 ||=10 70/90 dollars:||

To Michael Staddleman, for entertaining General Lee's guards, the sum of £4 5 9=11 39/90 dollars:

To Benjamin Smith, for board and accommodations for prisoners at Trenton, the sum of £11 12 10=31 4/90 dollars. This money became due before the regulation of Congress, for determining the price of their board, took place:

That there is due for expences in apprehending Henry Edwin Stanhope and George Gregory, who broke their parole and ran away from Northampton, ||in Connecticut,|| the sum of £14 5 3, lawful money of Connecticut,= 47 48/90 dollars, and that the same ought to be paid and charged to the said Stanhope and Gregory:

Ordered, That the said accounts be paid to J. Hancock, Esqr.

The Marine Committee having recommended sundry gentlemen for captains and subaltern officers for the ships building or built for the continent, the same was taken into consideration: Whereupon,

Resolved, That Thomas Thompson be appointed captain of the frigate built in New Hampshire:

John Hopkins, and Samuel Tomkins, for those building in Rhode Island:

Christopher Miller, for one of those built in New York:

Nicholas Biddle, John Barry, Thomas Read, Charles Alexander, for the four ships building in Philadelphia:

James Nicholson for that building in Maryland.

That the names of the thirteen ships be, the *Congress*, *Randolph*, *Hancock*, *Washington*, *Trumbull*, *Raleigh*, *Effingham*, *Montgomery*, *Warren*, *Boston*, *Virginia*, *Providence*, and *Delaware*.

Resolved, That Israel Turner be first lieutenant; Joseph Doble, second lieutenant; Mark Dennet, third lieutenant, of Captain Manly's ship.

Resolved, That the Marine Committee be empowered to affix the names to each particular ship, and determine the vessel which each captain is to take command of:

Resolved, That the Marine Committee be empowered ||and directed|| to consider the propriety of building two more ships of war, and their size, and report to Congress.

Resolved, That three members be added to the committee appointed to devise ways and means for raising 10 millions of dollars, voted the 6th of May:

||The members chosen,|| Mr. [Carter] Braxton, Mr. R[obert R.] Livingston, and Mr. [Matthew] Tilghman.

Resolved, That the Secret Committee be instructed forthwith to fit out two fast sailing vessels and load them with provisions to be sent immediately to supply the inhabitants of the islands of Bermudas, and that the committee of Secret Correspondence be directed to take such measures as they may think proper by those vessels, to discover the state of those islands and the disposition of their inhabitants; and that the Marine Committee be instructed to take such measures as they may think proper for purchasing, manning, arming and fitting at the said islands two sloops of war for the service of the United Colonies.

Resolved, That the remainder of the report lie on the table for consideration.

Resolved, That doctor Jonathan Potts be employed as a physician and surgeon in the Canada department, or at Lake George, as the general shall direct; but, that this appointment shall not supersede Dr. Stringer.

Resolved, That an express be sent to Hugh Mercer, Esq[r] who was yesterday appointed a brigadier general, with his commission, and that he be desired immediately to repair to head quarters, at New York.

A memorial of Jacob Ummensetter was presented to Congress, and read:

Resolved, That it be referred to the committee appointed to contract for casting cannon.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 7, 1776

The committee to whom was referred the letter from Eseck Hopkins, commodore of the continental fleet, dated Providence, May 22d, brought in their report, which, being taken into consideration, was agreed to; Whereupon,

Resolved, That Mr. Charles Walker, of New Providence, ought to be paid the value of the sloop *Endeavour*, together with four tons of lignum vitæ, and one hundred cedar posts, taken by the said commodore, for the use of the colonies, and the damages the said Walker has sustained by the taking and detention of said vessel, lignum vitæ and posts; the said Walker giving a full acquittance for the said vessel, goods and damages.

Resolved, That the governor ~~and Council~~ of the colony of Connecticut be requested to appoint judicious and in-

different persons to appraise the vessel and goods aforesaid, at the time when they were taken into the service of the colonies, and to estimate the full damages sustained by the said Mr. Walker, and report it to this Congress forthwith, that the said Walker may be indemnified by this Congress.

Resolved, That the said Walker have his election to receive his vessel again, and the hire of her, and his damages, or the value of her to be ascertained as aforesaid.[1]

The Congress took into consideration the report of the committee on the resolutions of the convention of South Carolina, respecting the batallions raised in that colony; and, after some debate,

Resolved, That it be recommitted.

Information being given that complaint is made with respect to the powder manufactured at Mr. O[swald] Eve's mill:

Resolved, That Mr. [Henry] Wisner, Mr. [Robert Treat] Paine, and Mr. R[obert R.] Livingston be a committee to enquire into the defect, and take measures to have it remedied.

Certain resolutions ||respecting independency|| being moved and seconded,

Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign Alliances.

That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.[2]

[1] The original of this report, in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 19, III, folio 169.

[2] This resolution, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 23, folio 11. It has the following endorsement in three writings: "Resolved that it is the Opinion of this Com. that the first Resolution [Benja-

Resolved, That the consideration of them be referred till to morrow morning; and, that the members be enjoined to attend punctually at 10 o'Clock, in order to take the same into consideration.

The committee to whom was referred the consideration of an attempt made to counterfeit the bills of credit, emitted by Congress, brought in their report:

The Committee to whom was referred the consideration of the attempt made to counterfeit the Bills of Credit emitted by Congress, Beg Leave to report, that it appears to the Committee by sundry affidavits, the Confessions of the parties charged, and other papers, that Elizabeth Vandine, the wife of Henry Vandine, of Morris County, in the Province of New Jersey, with the Privity of her said Husband, has counterfeited several Bills of the Continental Currency, some of which were passed by the said Vandine, and others of them by his wife, and that the said Vandine and his wife were, for the said offence, committed to the goal of the County of Morris by order of the Committee of the Township of Morris. Whereupon your Committee came to the following Resolutions:

That it be recommended to the provincial Convention of the Province of New Jersey to direct the said Henry Vandine to make satisfaction to such persons as have been injured by taking the said counterfeit bills.

That the said Henry and Elizabeth remain in Confinement, or be let out on good Bail for their appearance to abide their trial for the above offence, as to the said Convention shall seem most proper.

That it be recommended to the respective Legislatures of the United Colonies to pass Acts of Legislation for making the continental Bills of Credit a lawful tender in all payments, and for the most effectual preventing the counterfeiting thereof.[1]

||*Ordered*, To lie on the table for consideration.||

min Harrison] be postponed to this day three weeks, and that in the mean time [Charles Thomson], least any time sh^d be lost in case the Congress agree to this resolution [Robert R. Livingston], a committee be appointed to prepare a Declaration to the effect of the said first resolution [Charles Thomson]." The postponement was made to give an opportunity to the Delegates from those Colonies which had not as yet given authority to adopt this decisive measure, to consult their constituents. The motion was seconded by John Adams.

[1] This report, in the writing of William Livingston, is in the *Papers of the Continental Congress*, No. 26, folio 7.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JUNE 8, 1776

The Congress took into consideration the resolutions moved yesterday:

Resolved, That they be referred to a committee of the whole [Congress.] Whereupon,

The Congress resolved itself into a committee of the whole to take into consideration the resolutions referred to them; and, after some time spent thereon, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have taken into consideration the matter to them referred, but not having come to any resolution thereon, desired leave to sit again on Monday next.

Resolved, That this Congress will, on Monday next, at 10 o'Clock, resolve itself into a committee of the whole, to take into their farther consideration the resolutions referred to them.

On petition of John Bayard, Joseph Deane, and William Erskine, ||being presented to Congress, and read,||

Resolved, That the Secret Committee be directed to sell ||the petitioners|| 550 lb. of powder, and 400 lb. of swivel and grape shot, for the use of their privateer *Hancock*, and also 750 lb. ||of powder|| before applied for.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 10, 1776

Sundry letters and papers were laid before Congress, and read;

Two from General Washington, of the 7 and 8, together

with copies of twenty letters and papers from General Schuyler and others:[1]

A letter from the commissioners in Canada, May 17; and,

One from Herman Allen.

Resolved, That the said letters and papers be referred to the committee appointed on the 6th, to consider sundry letters that day read.

A letter from Stephen Moylan, expressing his grateful thanks to Congress for appointing him to the office of quarter master general; and

Also a letter from the convention of New York of the 7th, ||were laid before Congress, and read.||[2]

Resolved, That the pay of the continental troops, in the middle department, be henceforth the same as that of the troops in the eastern.

Resolved, That this Congress will to morrow morning proceed to the appointment of a deputy pay master general for the eastern department.

Agreeable to order, the Congress resolved itself into a committee of the whole, to take into their farther consideration the resolutions to them referred; and, after some time spent thereon, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have had under consideration the resolutions to them referred, and have come to a resolution, which he read.

The Congress took into consideration the report from the Committee of the whole: Whereupon,

Resolved, That the consideration of the first resolution be postponed to this day, three weeks [July 1], and in the mean while, that no time be lost, in case the Congress agree thereto, that a committee be appointed to prepare a

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 5 and 9. They are printed in *Writings of Washington* (Ford), IV, 113, 115.

[2] The letter from the convention of New York is in the *Papers of the Continental Congress*, No. 67, I, folio 364.

declaration to the effect of the said first resolution, which is in these words: "That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown: and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved."

Resolved, That the committee be discharged.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock to Morrow.[1]

TUESDAY, JUNE 11, 1776

Sundry letters were laid before Congress, and read.

2 letters, from General Washington, of the 9th and 10th,

Resolved, That the same be referred to the committee appointed on the 6th.

A letter from H. E. Stanhope, of the 11, and one from E. Webb, of the 12 May, both dated from Northampton Gaol; also, one from Mrs. Connolly, [were read:][2]

Resolved, That these be referred to the Committee on Prisoners.

Resolved, That the sum of one hundred and fifty dollars be paid the Indian interpreter [Thomas Folmer] for his services, and to defray his expences.

Resolved, That a committee of three be appointed to consider of a compensation to the secretary for his services:

The members chosen, Mr. J[ohn] Adams, Mr. [Edward] Rutledge, and Mr. [Joseph] Hewes.

[1] "Congress never were so much engaged as at this time; business presses on them exceedingly. We do not rise sometimes till six or seven o'clock." *William Whipple to John Langdon*, 10 June, 1776.

[2] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 17 and 25. They are printed in *Writings of Washington* (Ford), IV, 119, 129. That of Stanhope is in No. 78, XX, folio 33. That of E. E. Webb is in No. 78, XXIII, folio 277. That of "Suky" [Susannah] Connolly is in No. 78, V, folio 47.

Resolved, That an order for 10,000 dollars be drawn on the Treasurers, in favour of Carpenter Wharton, for the use of the Pensylvania batallions, he to be accountable.

The present being provided for the Indians, they were called in, and the speech agreed to, was delivered as follows:

BROTHERS,

We hope the friendship that is between us and you will be firm, and continue as long as the sun shall shine, and the waters run; that we and you may be as one people, and have but one heart, and be kind to one another like brethren.

BROTHERS,

The king of Great Britain, hearkening to the evil counsel of some of his foolish young men, is angry with us, because we will not let him take away from us our land, and all that we have, and give it to them, and because we will not do every thing that he bids us;[1] and hath hindered his people from bringing goods to us; but, we have made provision for getting such a quantity of them, that we hope we shall be able to supply your wants as formerly.

BROTHERS,

We shall order all our warriors and young men not to hurt you or any of your kindred, and we hope you will not suffer any of your young men to join with our enemies, or to do any wrong to us, that nothing may happen to make any quarrel between us.

BROTHERS,

We desire you to accept a few necessaries, which we present you with, as tokens of our good will towards you.[2]

The presents being delivered, the Indians begged leave to give a name to the president; the same being granted, the Onondago chief gave the president the name of Karanduawn, or the Great Tree, by which name he informed him the president will be known among the Six nations.

[1] In the original report this sentence follows: "he hath taken up the hatchet to strike us, and given money to a people who are strangers to us, to come from a far country, and fight against us."

[2] This report, in the writing of George Wythe, is in the *Papers of the Continental Congress*, No. 30, folio 351. It was presented and agreed to on June 6.

||After which the Indians took their leave and withdrew.||

~~Mr. Chase, one of the Commissioners being arrived from Canada brought~~ a letter from General Sullivan, dated from St. John's, 1st. June was laid before Congress, and read.

Resolved, That Colonel Shee and Colonel Magaw, be ordered immediately to march with their regiments to New York.

Resolved, That the Secret Committee be directed to lend the committee of safety of Pensylvania, 4 tons of powder.

Resolved, That letters be immediately sent, by express, to the several colonies who are to furnish militia for the defence of New York, acquainting them with the necessity of forwarding the supplies with all possible despatch.

Resolved, That the committee, to prepare the declaration, consist of five members:

The members chosen, Mr. [Thomas] Jefferson, Mr. J[ohn] Adams, Mr. [Benjamin] Franklin, Mr. [Roger] Sherman, and Mr. R[obert] R. Livingston.

Resolved, That a committee be appointed to prepare and digest the form of a confederation to be entered into between these colonies:

Resolved, That a committee be appointed to prepare a plan of treaties to be proposed to foreign powers.

Mr. [Samuel] Chase, and Mr. [Charles] Carroll, [of Carrollton,] two of the commissioners being arrived from Canada, attended, and give an account of their proceedings, and the state of the army in that country.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 12, 1776

Colonel Roberdeau, in behalf of the owners of the privateers which have taken some prizes, on board of which is a quantity of dollars to the amount of 22,000, having tendered to Congress the moiety belonging to them, in exchange for continental dollars [bills of credit,]

Resolved, That their offer be accepted, and that application be made to the agent for the men, for the moiety belonging to them, and that continental money be given them in lieu thereof.

The Congress proceeded to the election of a deputy pay master general for the eastern department, and, the ballots being taken,

Ebenezer Hancock was elected unanimously.

Resolved, That the sum of 150,000 dollars be sent to Mr. E. Hancock, deputy pay master general, for the use of the continental troops in the eastern department.

The committee, to whom Colonel Hand's letter, of the 3d of May last, was referred, brought in their report, which was taken into consideration: Whereupon,

~~Resolved, That it is the Opinion of this Committee that dollars be advanced to Colo. Hand for purchasing the Riffles of such men as will not re inlist in the Riffle Regiment.~~

Resolved, That General Washington be directed to order the riffles of such men belonging to the riffle regiments as will not re-inlist, to be purchased, and that the General order the payment out of the military chest.[1]

That the riffle regiment be allowed a drummer and fifer to each company:

That 9,000 dollars be advanced to Colonel Hand, to purchase an uniform for the riffle regiment, the said sum to be stopped from the pay of the said regiment.[2]

[1] This paragraph, in the writing of John Hancock, was to be substituted for that struck out.

[2] This report, in the writing of Jonathan Dickinson Sergeant [?], is in the *Papers of the Continental Congress*, No. 19, III, folio 21.

Resolved, That Captain Grier, who is returned from Virginia with his detachment, and a number of recruits, be directed to join the batallions on their march to New York, and that Carpenter Wharton be directed to supply them with rations.

Resolved, That the Secret Committee be directed to deliver to Colonel Magaw, for the use of his batallion, the 191 arms sent up by Captain Berry.

The Congress then proceeded to the appointment of the committees voted.

Resolved, That the committee to prepare and digest the form of a confederation to be entered into between these colonies, consist of a member from each colony:

for New Hampshire	Mr. [Josiah] Bartlett
Massachusetts	Mr. S[amuel] Adams
Rhode Island	Mr. [Stephen] Hopkins
Connecticut	Mr. [Roger] Sherman
New York	Mr. R[obert R.] Livingston
New Jersey	
Pensylvania	Mr. [John] Dickinson
Delaware	Mr. [Thomas] McKean
Maryland	Mr. [Thomas] Stone
Virginia	Mr. [Thomas] Nelson
North Carolina	Mr. [Joseph] Hewes
S. Carolina	Mr. [Edward] Rutledge
Georgia	Mr. [Button] Gwinnett

Resolved, That the committee to prepare a plan of treaties to be proposed to foreign powers, consist of five members:

The members chosen, Mr. [John] Dickinson, Mr. [Benjamin] Franklin, Mr. J[ohn] Adams, Mr. [Benjamin] Harrison, and Mr. R[obert] Morris.

The Congress took into consideration the report of the committee on a war office: Whereupon,

Resolved, That a committee of Congress be appointed by the name of "A Board of War and Ordnance," to consist of five members.[1]

That a secretary and one or more clerks, be appointed by Congress, with competent salaries, to assist the said board in executing the business of their department:

That it shall be the duty of the said board, to obtain and keep an alphabetical and accurate register of the names of all officers of the land forces in the service of the United Colonies, with their ranks and the dates of their respective commissions; and also regular accounts of the state and disposition of the troops in the respective colonies; for which purpose, the generals and officers commanding in the different departments and posts, are to cause regular returns to be made into the said war office:

That they shall obtain and keep exact accounts of all the artillery, arms, ammunition and warlike stores, belonging to the United Colonies, and of the manner in which, and the places where, the same shall, from time to time, be lodged and employed; and that they shall have the immediate care of all such artillery, arms, ammunition, and warlike stores, as shall not be employed in actual service; for preserving whereof, they shall have power to hire proper magazines at the public expence:

That they shall have the care of forwarding all despatches from Congress to the colonies and armies, and all monies to be transmitted for the public service by order of Congress; and of providing suitable escorts and guards for the safe conveyance of such despatches and monies, when it shall appear to them to be necessary:

[1] In the original report the committee recommended the name "Board of War," and left the number of members blank.

That they shall superintend the raising, fitting out, and despatching all such land forces as may be ordered for the service of the United Colonies:

That they shall have the care and direction of all prisoners of war, agreeable to the orders and regulations of Congress:

That they shall keep and preserve, in the said office, in regular order, all original letters and papers, which shall come into the said office by order of Congress, or otherwise, and shall also cause all draughts of letters and despatches to be made or transcribed in books to be set apart for that purpose, and shall cause fair entries, in like manner, to be made, and registers preserved, of all other business which shall be transacted in the said office:

That before the secretary, or any clerk of the war office shall enter on his office, they shall respectively take and subscribe the following oath, a certificate whereof shall be filed in the said office:

I, A. B. do solemnly swear, that I will not directly or indirectly, divulge any matter or thing, which shall come to my knowledge, as (secretary) of the board of war and ordnance, for the United Colonies, (or clerk of the board of war and ordnance,) established by Congress, without the leave of the said board of war and ordnance, and that I will faithfully execute my said office, according to the best of my skill and judgment. So help me God.

That the said board of war be authorized to hire suitable apartments, and provide books, paper, and other necessaries, at the continental expence, for carrying on the business of the said office.[1]

The committee to whom the several letters, from the commissioners in Canada, and Major General Schuyler, with the papers enclosed therein, were referred, brought in their report, which was read:

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 27, folio 1.

The commissioners to Canada also brought in a report in writing, which was read:

Resolved, That the said two reports be referred to the committee of the whole Congress.

Congress then resolved itself into a committee of the whole, to take into consideration the several reports to them referred; and, after some time spent thereon, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have taken into consideration the matters to them referred; but, not having had time to go through, desired him to move for leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the reports referred to them.

Adjourned to 10 o'Clock to Morrow.[1]

THURSDAY, JUNE 13, 1776

A letter from Mr. [Thomas] M'Kean, dated 2 o'Clock this morning, and a letter from the committee of Lewistown, of the 11th, was laid before Congress, ||and read:||[2]

Resolved, That the Secret Committee be directed to forward one ton of gun powder, and a proportionable quantity of lead, if to be got, to the committee of safety of the counties on Delaware, for the use of the militia in that government:

Resolved, That it be recommended to the assembly of Pensylvania, immediately to order a batallion of the provincial rifflemen to march to the assistance of the militia in Delaware government:

[1] "Richard Smith, Esquire, one of the Delegates for this Colony, in the Continental Congress, asking leave to resign his seat there on account of indisposition;

"*Ordered*, That his resignation be accepted." *Journal New Jersey Convention.*

[2] This letter of McKean dated from Newcastle, half past 2 A. M., is in the *Papers of the Continental Congress*, No. 78, XV, folio 57. That from Lewis Town is in No. 70, folio 575.

Resolved, That it be recommended to the assembly, or committee of safety of Delaware government, to cause all the disaffected, in their colony, to be disarmed, and the arms to be disposed of agreeable to a former resolution of Congress:

Resolved, That the commanding officer of the riffle batallion of associators in this city, be requested to order a company of said batallion to escort the powder sent to Delaware government, until they shall reach the provincial batallion of rifflemen, ordered to march to the assistance of the militia of Delaware government.

A letter from James M'Lene, chairman of the committee of Shippensburg, enclosing certain resolutions respecting some powder they have stopped, which was sent by Mr. [Lewis] Morris to Mr. George Morgan, at Pittsburg, was laid before Congress and read.[1]

Resolved, That the president return an answer, and inform the committee, that the powder was ordered by Congress to be sent to George Morgan, Esqr, and request them to use their endeavours to have the same forwarded, with all safety and despatch, to said G. Morgan, at Pittsburg.

A letter of the 11 from the convention of New York was laid before Congress and read,

Resolved, That the same be referred to the committee appointed on the 6th.[2]

Resolved, That the Secret Committee be directed to stop the exportation of any salted provisions, which they may have ordered to be made at New York.

Resolved, That the Secret Committee be directed to deliver 100 lb. of powder to the order of the committee appointed to contract for making cannon.

[1] This letter, from the committee of Cumberland County, is in the *Papers of the Continental Congress*, No. 69, I, folio 133.

[2] This letter is in the *Papers of the Continental Congress*, No. 67, I, folio 216.

Resolved, That an order for 600 dollars be drawn on the treasurers, in favour of Captain James Grier, he to be accountable for the same, and to render an account thereof to the pay master general, upon his arrival at New York.

Resolved, That the pay of the secretary of the Board of War and Ordnance, be at the rate of 800 dollars per annum.

Congress then proceeded to the election of the committee to form a Board of war and ordnance, and the ballots being taken, the following members were chosen:

Mr. J[ohn] Adams, Mr. [Roger] Sherman, Mr. [Benjamin] Harrison, Mr. [James] Wilson, and Mr. E[dward] Rutledge:

Richard Peters, Esq. was elected secretary of said board.

The Committee on Qualifications having recommended Doctor Benjamin Allison as surgeon to the first Pensylvania batallion now in Canada;

George Tudor to be captain of the company lately commanded by Captain Walter Stewart, in the third Pensylvania batallion;

Mr. John Duguid, as a first lieutenant in the said third batallion;

Mr. Harman Stout, as a second lieutenant in the said batallion;

Mr. Andrew Graydon, as an ensign in the said batallion:

Capt De Lausay (a French Gentleman) has produced to the Committee credentials of his having been a captain in the French Service, and comes well recommended. It is submitted to Congress whether or not they will grant his prayer, in appointing him a Lieutenant Colonel.[1]

The Committee would be glad to have a list of Officers, that they may be proper Judges of their Seniority.[2]

[1] Against this paragraph has been written "not Considered."

[2] This report, in the writing of [?], is in the *Papers of the Continental Congress*, No. 23, folio 373.

Resolved, That the said report be agreed to, and that commissions be granted to them accordingly.

The Congress then resolved itself into a committee of the whole, to take into their farther consideration the reports to them referred, and after some time spent thereon, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have had under their farther consideration the matters to them referred, but not having had time to go through the whole, desired him to move for leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the reports to them referred.

The Marine Committee having reported, that complaints are made against Commodore Hopkins, Captain Saltonstal, and Captain Whipple, for breach of orders, and other mal-practices:

Resolved, That the Marine Committee be directed to inform Commodore Hopkins, Captain Saltonstal, and Captain Whipple, of the complaints lodged against them, and order them immediately to repair to Philadelphia, to answer for their conduct.

Resolved, That in case the enemy's men of war attempt to come up the river [Delaware,] that the Secret Committee be empowered and directed to deliver such a quantity of powder as to them shall seem necessary, to the committee of safety of Pensylvania.

The several matters to this day referred, being postponed.

Adjourned to 10 o'Clock to Morrow.[1]

[1] "John De Hart, Esquire, one of the Delegates in the Continental Congress, asking leave to resign his seat on account of the situation of his family and affairs;

"*Ordered*, That his resignation be accepted." *Journal New Jersey Convention.*

FRIDAY, JUNE 14, 1776

Resolved, That an order for 1500 dollars be drawn on the treasurers in favour of George Evans, commissary, for the use of the continental troops in Delaware government, he to be accountable.

A letter of the 10, from the committee of safety of Maryland, was laid before Congress and read; also,

A letter of the 16 of May, from the commissioners in Canada, recommending Major Dubois to the notice of Congress for promotion.[1]

Resolved, That the commanding officer in the barracks be directed to deliver the prisoner in his custody to the committee of safety of Pensylvania, who are desired to treat him agreeable to former resolutions of Congress.

A letter from General Washington, of the 13, enclosing two letters from General Schuyler, of the 8, with sundry letters and papers, ~~enclosed; one from S. Kirkland and one from the convention of New York,~~ were laid before Congress and read:[2]

Resolved, That the same be referred to the standing committee on Indian affairs, and that they be directed to sit forthwith.

A letter from W. Livingston, of the 13, enclosing a letter from Thomas Little, of the 2d, was laid before Congress and read:

Resolved, That the same be referred to the committee appointed to enquire into and remedy the complaints of the powder made at Mr. Eve's mill.

[1] The letter from the Council of Safety of Maryland is in the *Papers of the Continental Congress*, No. 70, folio 29.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 29. It is printed in *Writings of Washington* (Ford), IV, 139. That of Schuyler is in No. 153, II, folio 192.

The committee to whom were referred the letters from General Washington, of the 9th and 10th, and a letter from the president of the provincial convention of New York, with the papers enclosed, brought in their report, which was taken into consideration: Whereupon,

Resolved, That it be recommended to the convention of the colony of New York, to make effectual provision for detecting, restraining, and punishing disaffected and dangerous persons in that colony, and to prevent all persons from having any intercourse or correspondence with the enemy; and that General Washington afford his aid therein, when necessary.

~~Resolved, That it is the opinion of this Committee that it be recommended to the Assemblies, Conventions or Councils or Committees of Safety in the respective Colonies, to prohibit and prevent the exportation of salted Pork, and Beef, and such other Articles of provision as may be wanted for the use of the Army.~~

~~Resolved, That when Brigadier General Wooster arrives at New York he be employed where the Commander-in Chief shall judge his services may be most useful.~~[1]

Whereas, it has been represented to this Congress, that great quantities of salted beef and pork have been purchased for exportation, which, if not restrained, may render the supplies of the army difficult and uncertain:

Resolved, therefore, That no salted beef or pork, except as much as may be necessary for the use of the crew, be exported from any of the United Colonies, in any vessel, under any pretence whatever, until the farther order of this Congress.[2]

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 36, IV, folio 173.

[2] These two paragraphs, in the writing of John Hancock, are endorsed on the back of the report. The adopted paragraphs were printed in the *Pennsylvania Gazette*, 19 June, 1776.

The committee appointed to consider of a compensation to the secretary, for his services, brought in their report, which was agreed to, as follows:

That the sum of one thousand ~~sixty six and two thirds of a dollar~~ two hundred dollars be granted and paid, out of the public treasury, to Charles Thomson, secretary to the United Colonies, in consideration of his faithful services for one year, ending the 10th day of May last.

The committee to whom General Washington's letter of the 15, and General Schuyler's of the 8th, were referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That General Schuyler and the other commissioners for Indian affairs in the northern department be directed immediately to hold a conference with the Six Nations; to engage them in our interest upon the best terms that can be procured, and treat with them on the principles and in the decisive manner mentioned in his letter:

That General Schuyler's preparations for immediately taking post at Fort Stanwix, and erecting a fortification there, be approved of; and that General Washington be instructed to give him directions for carrying that measure into execution.

That Copies of the Resolutions of Congress upon the Matters afore mentioned be transmitted to Generals Washington and Schuyler.[1]

Resolved, That the Committee on Spies be directed to revise the rules and articles of war, and to make such additions and alterations as they may judge proper, and lay the same before Congress for their consideration.

A petition from Mrs. Gardner, was laid before Congress, and read:

Resolved, That it be referred to the Committee on Spies.

[1] This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 215.

A memorial from the committee of safety of Pensylvania was presented to Congress, and read; setting forth, that a committee of the assembly, accompanied by the general officers lately in town, and a skilful engineer, have viewed the river Delaware, and the fortifications and defences erected at the expence of the colony of Pensylvania to oppose and prevent the passage of the enemy's ships; and that they have judged it necessary, for farther security, that a redoubt should be erected at Billingsport, on the New Jersey side, and that a boom should be there thrown across, or some other obstructions fixed in the channel; and praying, as the place for the redoubt is out of their government, and their colony has expended a very large sum for the defence of the river, that the Congress would direct these works to be done at the continental expence;[1] Whereupon,

Resolved, That the committee of safety of Pensylvania be empowered, at the continental expence, to erect the redoubt, and to fix the boom, or other obstructions, at the places aforesaid:

Thomas Bates, blacksmith, proposing to supply the continental troops with a quantity of camp kettles, of sheet iron @ one and 1/3 dollar each, provided he can have credit for five tons of sheet iron:

Resolved, That Timothy Matlack, Esqr be directed to write to Thomas Mayberry, of Mount holly, the manufacturer of sheet iron, to send down to him five tons of sheet iron, for which he will be paid on the delivery; and, that T. Matlack be directed to receive said iron, and deliver it out, as it may be wanted, to Thomas Bates, and receive the kettles as fast as made.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This memorial is in the minutes of the Council of Safety of Pennsylvania, X, 575.

SATURDAY, JUNE 15, 1776

Sundry letters were laid before Congress, and read, viz.

One from Mr. [Thomas] M'Kean of the 13;

One from Mr. R[ichard] Peters:

One from General Washington of the 14, enclosing copy of a letter from General Schuyler of the 10, and sundry other papers:

One from Governor Trumbull, of the 10, with sundry papers enclosed:[1]

One from David Waterbury, of the 6, with sundry accounts enclosed:

Resolved, That the letter from D. Waterbury, with the papers enclosed, be referred to the Committee of Claims.

A letter from the committee of safety of Virginia, of the 5, informing of the arrival of five tons of powder, on account of the continent, ||was read:|| Whereupon,

Resolved, That one half of said continental powder be left in Virginia, and the other half forwarded to the commanding officer in South Carolina.

Resolved, That a committee of three be appointed to take into consideration the state of Georgia, and report thereon to Congress:

The members chosen, Mr. [Stephen] Hopkins, Mr. [Benjamin] Harrison, and Mr. S[amuel] Adams.

The Marine Committee having recommended

Mr. Hector M'Neal to command the frigate *Boston*, and

Mr. John Brown a lieutenant of the same.

Thomas Grennel to the command of the frigate *Montgomery*,

Resolved, That the gentlemen recommended be approved, and that commissions be granted to them accordingly.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 33. It is printed in *Writings of Washington* (Ford), IV, 142. That of Thomas McKean is in No. 78, XV, folio 59. That of Governor Trumbull is in No. 66, I, folio 181. That of Peters is in No. 78, XVIII, folio 65.

A memorial from the owners of four private ships of war, fitted and fitting out in Philadelphia, was laid before Congress, and read:

Ordered, To lie on the table.

The Committe of Claims reported, that there is due,

For expences of sick men belonging to the 6th Pensylvania batallion, the sum of £21 17 6=58 30/90 dollars, and that the same ought to be paid to Captain Samuel Benezet.

To Hugh Hodge, for sundry necessaries for the sick of the third Pensylvania batallion, the sum of £12 16 3= 34 15/90 dollars:

To Robert Erwin, waggon master for transporting salt petre from Egg harbour to Cooper's ferry, the sum of £79 0 10=210 70/90 dollars:

To Peter Agnew, for repairing arms for the fifth Pensylvania batallion, the sum of £4 5 6=11 36/90 dollars.

That Peter Noble, a soldier belonging to Colonel Hinman's batallion, (Captain Watson's company) who was taken prisoner near Montreal, with Colonel Allen, ought to have the sum of 40 dollars advanced to him, and his receipt taken for the same, as part of his pay:

Ordered, That the above accounts be paid.

It being represented to Congress, that a number of officers, whose troops left them last winter in Canada, and who remained and served there during the whole winter, were returned, and were desirous of being some way employed and provided for:

Resolved, That their case be referred to the Committee of War and Ordnance, who are desired to sit as soon as conveniently they can, and report thereon to Congress.

Resolved, That the president write to Governor Trumbull, desiring, that he will deliver to the agent of the Council [committee] of safety of Pennsylvania, the cannon and trucks ordered by Congress to be taken from thence [New

London,] and that he be informed, the Congress expect this resolution will be immediately complied with.

Resolved, That the letters from Governor Trumbull, and from General Washington and General Schuyler, be referred to the Committee of War and Ordnance.

Resolved, That the report of the committee on General Washington's letters of the 9th and 10, which was left unfinished, together with the amendments moved and seconded, be referred to the committee of the whole Congress.

The Congress then resolved itself into a committee of the whole, to take into consideration the several reports referred to them; and, after some time spent thereon, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have had under consideration the several reports to them referred, and have come to sundry resolutions, which they ordered him to report; but, not having had time to go through the whole, desired him to move for leave to sit again.

The report from the committee of the whole being delivered in,

Resolved, That a committee of ~~three~~ four be appointed to digest and arrange the several resolutions reported, in order to be laid before Congress; and that the committee of the whole be discharged of the reports, so far as they relate to the cartel entered into between General Arnold and Captain Foster ||for an exchange of prisoners,|| and that the same be referred to the committee now to be appointed:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Carter] Braxton, Mr. [Robert Treat] Paine, and Mr. [Arthur] Middleton.

Resolved, That this Congress will, on Monday next, resolve itself into a committee of the whole, to take into

their farther consideration the several reports to them referred.

Adjourned to 10 o'Clock on Monday next.

MONDAY, JUNE 17, 1776

A letter of the 7th of May from Brigadier General Armstrong, and a letter of the 6 [of June] from the committee of Albany, were laid before Congress, and read:[1]

The Committee of war and ordnance, to whom the letter of Governor Trumbull of June 10th, was referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That it be recommended to the governor and assembly of Connecticut, to send the two batallions mentioned in said letter as raised, one for Boston, and one with a view to for New York, into Canada forthwith, as proposed in said letter; and that a batallion of militia be sent to Boston, instead of the one intended for that place:

That blank commissions be sent to Governor Trumbull, for the officers of the batallion raised with a view to for New York; the present exigency requiring this measure, the same not to be drawn into precedent:

That 10,500 dollars be paid into the hands of the delegates of Connecticut, to be sent to that colony, to defray the expence of raising the said regiment:

That Governor Trumbull be informed, that Congress are of opinion, that the provision made by the late act of assembly of Connecticut, for the purpose of engaging one third of the militia on the sea coast, and one fourth in the interior part of that colony, for the defence thereof, and of the neighbouring colonies, will, by no means, answer the object the Congress had in view by their resolution of the

[1] Armstrong's letter is in the *Papers of the Continental Congress*, No. 162, folio 243.

3d of June; and request, that such steps be taken by the assembly of that colony, as shall seem to them most likely to carry into effect the said requisition.

Resolved, That commissions be granted to the officers appointed by the assembly of Connecticut for the regiment ordered to be raised in that colony, for the service of the continent.

Resolved, That the Secret Committee be directed to sell two tons of gun powder to the convention of New Jersey, for the use of their militia.

The committee appointed to digest and methodize the resolutions entered into by the committee of the whole, having performed that service, brought in their report, which was taken into consideration: Whereupon,

G. 1.[1]—*Resolved*, That an experienced general be immediately sent into Canada, with power to appoint a deputy adjutant general, a deputy quarter master general, and such other officers as he shall find necessary for the good of the service, and to fill up vacancies in the army in Canada, and notify the same to Congress for their approbation; G. 2. that he also have power to suspend any officer there, till the pleasure of Congress be known, he giving his reasons for so doing in the orders of suspension, and transmitting to Congress, as soon as possible, the charge against such officer: provided, that this power of suspending officers and filling up vacancies, shall not be continued beyond the first day of October next:

That General Washington be directed to send Major General Gates into Canada, to take the command of the forces in that province:[2]

[1] These letters and figures are taken from Jefferson's manuscript report, in the *Papers of the Continental Congress*, No. 19, VI, folio 181. I believe that G. refers to such paragraphs as were suggested by Gates; C. to those of Congress or its committees; S. to those of Schuyler, and W. to those of Washington.

[2] This paragraph is not in Jefferson's report.

G. 3. That no officer suttle or sell to the soldiers, on penalty of being fined one month's pay, and dismissed the service with infamy, on conviction before a court martial:

G. 4. That the baggage of officers and soldiers be regulated conformably to the rules in the British armies:

G. 4b. That all sales of arms, ammunition, cloathing, and accoutrements, made by soldiers, be void:

G. 5. That no troops employed in Canada be disbanded there; that all soldiers in Canada, ordered to be disbanded, or whose times of inlistment being expired, shall refuse to re-inlist, shall be sent, under proper officers, to Ticonderoga, or such other post on the lakes as the general shall direct, where they shall be mustered, and the arms, accoutrements, blankets, and utensils which they may have belonging to the public, shall be delivered up, and deposited in the public store:[1]

G. 6.[2]

G. 7. That a deputy muster master general be immediately sent into Canada:

G. 8. That the local commissaries and quarter masters, appointed at the different garrisons or posts, shall make weekly returns to the general of the provisions and stores in the places at which they may happen to be stationed:

G. 10.[3] That the general to be sent into Canada be directed to view Point au fer and to order a fortress to be erected there, if he should think proper.

C. 1. That the general officers, deputy quarter master general, local commissaries, pay master in Canada, and

[1] As laid before the Committee of the Whole this paragraph closed as follows: "after which they shall be disbanded, and permitted to return to their respective homes."

[2] This paragraph, relating to the appointment of Dr. Jonathan Potts, is stricken out of the Jefferson report, having been printed under June 6, p. 424, *ante*.

[3] G. 9 is printed on p. 394, *ante*.

all other persons there, who have received public monies, be ordered, without delay, to render and settle their accounts; on which settlement, no general officer shall receive pay as colonel of a regiment, nor field officer as captain of a company:[1]

S. 1. That General Schuyler be directed to make a good waggon road from Fort Edward to Cheshire's; to clear Wood creek, and to construct a lock at Skenesborough, so as to have a continued navigation for batteaus from Cheshire's into Lake Champlain; to erect a grand magazine at Cheshire's and to secure it by a stockaded fort; to erect a saw mill on Schoon creek; to order skilful persons to survey and take the level of the waters falling into Hudson's river near Fort Edward, and those which fall into Wood creek and interlock with the former, particularly Jones' run and Half way brook, the latter of which is said to discharge itself into Wood creek at Cheshire's; S. 2. that he be directed to have a greater number of boats and hands kept on Hudson's river, at the different stations between Albany and Fort Edward, in order to save the expence of waggonage; S. 3. that he be empowered to appoint proper officers to superintend the carriage by land, and transportation by water, of provisions, military stores, and other things into Canada, that neither waste or delay may arise therein; S. 4. that he build, with all expedition, as many gallies and armed vessels as, in the opinion of himself and the general officer to be sent into Canada, shall be sufficient to make us indisputably masters of the lakes Champlain and George; and that, for this purpose, there be sent to him a master carpenter acquainted with the construction of the gallies used on the Delaware, who shall take with him other carpenters, and models also if requisite; S. 5. and that it

[1] C. 2, 3 and 4 are printed under June 18, p. 463, *post*.

be submitted to General Schuyler, whether a temporary fortification or entrenched camp, either at Crown point or opposite Ticonderoga, may be necessary:

W. 1. That the commissary general be directed to supply the army in Canada with provisions, and to appoint proper officers under him to receive and issue the same at the several posts, taking the directions of the general; W. 2. that he be empowered to contract with proper persons in Canada for supplying the army there with fresh provisions; that he be directed to purchase for them a quantity of Albany peas, and to furnish as much biscuit as may be necessary; W. 3a. and that his pay be raised to 150 dollars a month:

W. 3b. That the quarter master general be directed to provide and forward such tents, cloathing, and utensils as are wanted for the army in Canada, subject to the direction of the commander in chief:

W. 4. That General Washington be directed to send into Canada, such small brass or iron field pieces as he can spare; W. 5. that he be instructed to issue orders that no certificates be given in future by any but brigadiers, quarter masters and their deputies, or a field officer on a march, or officer commanding at a detached post:[1]

~~W. 10. Resolved, that it is the opinion of this Committee that General Washington be authorised to fill up vacancies in the army by issuing commissions to such officers under the rank of field officers, as he shall think proper to supply such vacancy; he making a monthly return to Congress of such appointments which, unless disapproved of by Congress on such return, shall stand confirmed; and that blank commissions be sent to the General for that purpose.~~

~~W. 11. Resolved, that the pay of such of the soldiers at New York as have been enlisted at five dollars per month be raised to six dollars and two thirds per month.~~

[1] The paragraphs W. 6, 7 and 8 are under June 21, p. 472, *post*. W. 9, relating to Colonel Burbeck is under May 25, p. 392, *ante*. W. 12, grants the bounty printed under June 26, p. 483, *post*.

W. 13. That letters be written to the conventions of New Jersey and New York, and to the assembly of Connecticut, recommending to them to authorize the commander in chief in the colony of New York, to call to the assistance of that colony, when necessity shall require it, such of the militia of those colonies as may be necessary; and to afford him such other assistance as the situation of affairs may require; W. 14. and, that it be further recommended to the convention of New York, to empower the said commander in chief to impress carriages and water craft, when necessary for the public service, and also to remove ships and other vessels in Hudson's and the East rivers, for the purpose of securing them from the enemy:

W. 15. That General Washington be permitted to employ the Indians whom he may take into the service of the United Colonies, pursuant to a resolution of Congress of the 25th of May last, in any place where he shall judge they will be most useful; and that he be authorized to offer them a reward of one hundred dollars for every commissioned officer, and of thirty dollars for every private soldier of the King's troops that they shall take prisoners in the Indian country, or on the frontiers of these colonies.

R. 5. That the companies of rifflemen from Virginia and Maryland be regimented, and that the regiment be compleated to the original number of the Pensylvania batallion:[1]

R. 6a. That the Pensylvania batallion of rifflemen be compleated to their original establishment:

R. 6b. That two companies of the forces now in the Delaware government be ordered to Cape May:

[1] From this paragraph to that concerning the inventory of ordnance stores taken by Captain Manly, is in the Jefferson report, mentioned in note on p. 395, *ante.*

R. 7. That the committee, appointed to contract for cannon, be directed to procure a number of brass or iron field pieces, to be made or purchased immediately:

R. 8. That the committee, appointed to provide medicines, be directed to send a proper assortment of medicines to Canada:[1]

R. 9. That Mr. James Mease be directed to purchase and forward to the quarter master general in New York, as much cloth for tents as he can procure:

R. 10. That the committee appointed to provide stockings and shoes for the troops in Canada, be directed to purchase such other articles as may be wanted for the use of the soldiers in Canada, and send the same to Albany, that they may be forwarded to the army in Canada, and that they be particularly attentive to provide, in time, a sufficient number of leathern breeches and under waistcoats, and such other winter cloathing as may be necessary for them:[2]

R. 11. That the said committee be directed to forward, with all expedition, to the quarter master in Canada, such shoes as are already provided:

R. 12. That prisoners, taken by continental arms, be not exchanged by any authority but the Continental Congress:

R. 13. That all vessels which sailed from the port or harbour of Boston, whilst the town of Boston was in possession of the enemy, having on board effects belonging to the enemies of America, and which have been or may be seized, be liable, together with the said effects, to confiscation, in the same manner and proportions as have been heretofore resolved by Congress:

[1] In the Jefferson report this paragraph read: "*Resolved*, That a proper assortment of medicines be sent to Canada." Against it Harrison has written "Com.ee already appointed to provide medicines."

[2] In the Jefferson report, Harrison has written against this paragraph: "Com.d to the Com.ee of which Mr. Shearman [Roger Sherman] is Chairman."

R. 14. That the continental agents in the respective colonies, where no courts have been established for the trial of captures, have power, and be directed, to dispose, at public sale, of such articles of a perishable nature, as shall be taken from the enemies of America, and that the money arising from such sale, be liable to the decree of such court whenever established:

That the inventory of the ordnance stores, taken by Captain Manly, be sent to General Washington, and that he be requested to appoint a person on the part of the colonies, to join one on the part of Captain Manly and his crew, who, having first taken an oath for that purpose, shall proceed to value the same, and if they cannot agree in the value, they shall call in a third person to determine the same; that the report of such persons be returned to Congress so soon as may be, and the value of the stores belonging to Captain Manly and his crew, be thereupon transmitted to them.

Resolved, That it be referred to the delegates of Maryland, Pensylvania, New Jersey, and New York, to devise the mode of raising the battalion of Germans voted the 25 of May last.

Resolved, That the consideration of the remainder of the report be postponed till to morrow.

The committee, to whom was referred, the cartel between Brigadier General Arnold and Captain Foster, for the exchange of prisoners, and the several papers relating thereto, brought in their report, which was read:

The Committee to whom were recommitted the Cartel between Brigadier General Arnold and Captain Forster, for the exchange of prisoners, and the several papers relating thereto, have had the same under their consideration, and agreed to the following report:

Your committee having proceeded to make enquiry into the facts relating to the agreement entered into at St. Anne's, between Brigadier General Arnold and Capt. Forster, find a part of them well

authenticated, and others not, yet being apprehensive that silence on the part of Congress may be construed by some into a ratification of the said agreement, they have thought it best to state the same as they appear at present, with such resolutions as they will justify if found true, reserving final decision till the whole truth shall be accurately enquired into and transmitted to Congress.

Your Committee on the best information they have been able to obtain, find

That on the 24th day of May last a party of the enemy, consisting as is said of about 600 men, under the command of Capt. Forster, attacked a post at the Cedars, held by a garrison of 350 Continental forces, then under the command of Major Butterfield.

That the said post was secured by a stockade [of wood?] to cover the garrison from the enemy's musquetry, that there were mounted therein two feild peices, and that the enemy had no cannon.

That the said garrison had ammunition and provisions sufficient to have lasted them ten days, that they had reason to expect ~~immediate~~ a re-inforcement in a few days, which, on a requisition from themselves, was actually on it's way from Montreal, and moreover were so near the main body of the army that they could not doubt being joined by detachments from thence sufficient to oblige the enemy to retire.

That the enemy for two days kept up only a scattering fire, by which not a single man of the garrison was killed or wounded; and that on ~~the morning of~~ the third day the garrison surrendered themselves prisoners of war, having capitulated ~~only~~ for the preservation of their own baggage from plunder, [and that their persons should not be delivered into the hands of the savages.] [1]

That the enemy broke the capitulation utterly and immediately on their part, plundering the garrison of their baggage, and ~~even~~ stripping the cloathes from their backs [and Delivering the Prisoners into the hands of the Savages.] [1]

That they then proceeded against the reinforcement which was on it's way, consisting of about 150 men under the command of Major Sherburne, that Major Sherburne and his party engaged and fought them with bravery: but being at length surrounded by numbers greatly superior, and informed that the fort and garrison were already in the hands of the enemy, they were obliged to surrender themselves prisoners of war also: but whether on capitulation or not, your committee are not informed.

[1] Words in brackets in the writing of John Hancock.

That after they had put themselves into the hands of the enemy, the said enemy murdered two of them, butchering the one with tomahawks and drowning the other; and left divers others exposed in an island naked and perishing with cold and famine.

That by this time Brigadier General Arnold, who had been detached by Major General Thomas to relieve the fort at the Cedars, approached and was making dispositions to attack the enemy.

That Captn. Forster thereupon ~~sent a flag~~ [Notified][1] General Arnold, ~~notifying~~ that if he attacked him, the prisoners, then 500 in number, would every man of them be put to death, and proposing at the same time an exchange of [*prisoners.*]

[*General*] Arnold was extremely averse to entering on any agreement of that kind, and was at length induced to do it by no other motive than that of saving the prisoners from cruel and inhuman ~~butch~~ death, threatened in such terms as left no doubt it was to be perpetrated.

That an agreement was thereupon entered into between Brigadier General Arnold and Captn. Forster, bearing date at St. Anne's on the 27th day of May, whereby the sd. Forster stipulated that he would deliver up all the said prisoners except ~~15 some~~ such as were Canadians, to Genl. Arnold; who agreed on the other part, that so many of equal rank and condition should be returned to the enemy of those taken by our arms on former occasions: that the prisoners so stipulated to be given up to the enemy were not in the possession of General Arnold, nor under his direction, but were at that time distributed through various parts of the continent under the orders of this house.

That Capt. Forster in violation of this agreement also detained a considerable number of the prisoners he had thus stipulated to deliver, and sent them into the Indian countries for purposes unknown.

Whereupon your Committee have come to the following resolutions:

Resolved, that it is the opinion of this Committee that plundering the baggage of the garrison at the Cedars, stripping them of their clothes [and delivering the Prisoners into the hands of the Savages,][1] was a breach of the capitulation on the part of the enemy, for which satisfaction ought to be demanded.

Resolved, that the murder of two of the prisoners of war was a gross and barbarous violation of the laws of nature and nations, for which satisfaction should be made by the enemy, by delivering into our hands either Captain Forster, or the individuals concerned in committing the murder.

[1] Words in brackets in the writing of John Hancock.

Resolved, that the agreement entered into at St. Anne's was a mere sponsion on the part of Brigadr. Genl Arnold, he not being invested with powers for the absolute disposal of the Continental prisoners in general; and that therefore it is subject to be ratified or annulled at the discretion of this house, the sole representative of the United ~~States of America~~ [Colonies.][1]

Resolved, that it is the opinion of this Committee that Major Sherburne and his party having fought as men should do, so much of the said sponsion as relates to their exchange should be ratified and confirmed by this house; and that an equal number of captives from the enemy, of the same rank and condition should be restored to them as stipulated by the said sponsion.

Resolved, that it is the opinion of this committee that [ ] the said sponsion as relates to the exchange of Major Butterfield [*and the*] garrison surrendering with him, ought not to be ratified: because we should redeem none but those who will fight; and because too the said sponsion excepted the Canadian prisoners, and we will in no case admit a distinction of countries among men fighting in the same cause.

Resolved, therefore that the said Major Butterfield and garrison should still be considered as prisoners of war, appertaining to the enemy, but as by the actual murder of two of the prisoners, and the threats at St. Anne's to put the others to death, the enemy are found capable of destroying their captives, the sd prisoners ought not to be put into their hands, but should be permitted to remain in their own country: that in the mean time they shall not bear arms, nor otherwise act against the enemy, but are bound to demean themselves in all things in the manner of prisoners of war enlarged on their parole, and to hold themselves subject to be recalled by the enemy, whenever proper security shall have been given that their lives shall be safe.

Resolved, that previous to the delivery of the prisoners to be returned in lieu of Majr. Sherburne and those captivated with him, satisfaction be required from the enemy for the murder of the two prisoners, by delivering into our hands Capt. Forster, or the individuals concerned in perpetrating that horrid act; and likewise restitution for the plunder at the Cedars taken contrary to the faith of the capitulation: and that till such satisfaction and restitution be made, the said prisoners be not delivered.

Resolved, that it is the opinion of this committee that if the enemy shall put to death, torture, or otherwise ill-treat any of the hostages in

[1] Words in brackets in the writing of John Hancock.

their hands, or of the Canadian or other prisoners captivated by them in the service of the United Colonies, recourse must be had to retaliation as the sole means of stopping the progress of human butchery, and that for that purpose punishments of the same kind and degree be inflicted on an equal number of their subjects taken by us, till they shall be taught due respect to the violated rights of nations.

Resolved, that it is the opinion of this Committee that a copy of this report be transmitted to the Commander in chief of the Continental forces in Canada, ~~to be by him sent to the British commander in chief of the Continental forces in Canada~~ to be by him sent to the British commander there: and that he moreover make further and diligent [*inquiry*] into the facts therein stated and such others as may [*be obtained upon the*] same subject and [*report the*] same duly authenticated [with all pos]sible despatch [*to Congress*] for their final decision, and that in the mean time the prisoners delivered up by the enemy abstain from bearing arms or otherwise acting against them.[1]

Ordered, To lie on the table.

The committee on the petition of Colonel Turbutt Francis reported, that they had met on the business referred to them; but that the Indians refused to be examined, or to give any evidence on the matter, which prevented their proceeding, wherefore they desired to be discharged: Whereupon,

Resolved, That they be discharged.

The Committee on Spies brought in their report, which was read:

Ordered, To lie on the table.

The committee to whom the letters from William Palfrey, Esq[r] pay master general, of the 19 of May and 3d of June ||were referred,|| brought in their report, which was read: Whereupon,

~~Resolved, as the opinion of this Committee that dollars be sent to the Deputy Paymaster General in the Eastern Department for the Pay and other uses of the Troops there.~~

[1] This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 29, folio 229. It differs much from the report as finally adopted by Congress, July 10, p. 533, *post*. In the Jefferson Papers are notes of testimony taken in connection with the affair at the Cedars.

Resolved, That the said letters, with the weekly returns enclosed therein, be referred to the superintendents of the treasury, to be filed in the auditor general's office.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[2]

TUESDAY, JUNE 18, 1776

Sundry letters were laid before Congress, and read, viz.

A letter from General Washington of the 16, enclosing

A letter from General Ward of the 9th, and Wm. Palfrey of the 16th.

3 letters from General Schuyler of the 11 and 12:[3]

One letter from Brigadier General Sullivan of the 5 and 6, with three papers enclosed; and

2 from Brigadier General Arnold of the 5 and 6:

Resolved, That the foregoing letters and papers be referred to the Board of War and Ordnance.

A letter from William Palfrey, Paymaster General, of the 16 June, with a weekly return, ||was read:||

Resolved, That this be referred to the superintendents of the treasury.

A letter from Joseph Trumbull, commissary general, of the 17, informing, that he has found it necessary to order a quantity of flour to be purchased in Philadelphia, and that to pay for the same, he has drawn on the president

[1] This report, in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 22, folio 109.

[2] "The Affair of a Confederation of the Colonies is now unanimously agreed on by all the members of all the Colonies. . . . The affair of voting, whether by Colonies as at present, or otherwise, is not decided, and causes some warm disputes." *Josiah Bartlett to John Langdon*, 17 June, 1776.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 37. A second letter, dated the 17th, was read on the same day, and is in the same volume, folio 67. It is endorsed "private." Schuyler's letter of the 11th is in No. 153, II, folio 208.

in favour of Mr. Matthew Irwin, for 60,000 dollars; and, as he shall be under the necessity of giving orders for purchasing pork and flour in Philadelphia, desiring to know whether he may, from time to time, [continue] to draw on the president for the payment of those articles.[1]

Resolved, That the president be directed to pay such bills as are or may be drawn by Joseph Trumbull, Esqr for the purpose abovementioned, and that the same, as paid, be charged to his account.

A letter from the committee of safety of Pensylvania, requesting the opinion of Congress, whether persons taken on board merchants' ships and river craft, ought to be exchanged for seamen taken from the enemy's ships of war?[2]

Resolved, That the president inform the committee of safety that the Congress judge it improper that such an exchange should take place.[3]

Resolved, That Gunning Bedford, Esqr deputy muster master general, be promoted to the rank of muster master general, and that he be directed immediately to repair to head quarters at New York.

Resolved, That General Washington be empowered and directed, to nominate and send a deputy muster master general to Canada.

Resolved, That two members be added to the board for superintending the treasury.

The ballots being taken, Mr. [Joseph] Hewes, and Mr. [Thomas] M'Kean were elected.

A memorial from Dr. [John] Morgan, director general and chief physician of the Hospital, was laid before Congress, and read:[4]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 49.
[2] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 141.
[3] This concerned the exchange of Budden and Draper. See p. 399, *ante*.
[4] This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 3.

Resolved, That it be referred to the committee appointed to provide medicines.

The committee to whom the report on the resolutions of the convention of South Carolina, respecting the batallions raised in that colony, were recommitted, brought in their report, which was taken into consideration: Whereupon, the Congress came to the following resolutions:

Whereas the Congress, on the 4th day of November last, resolved, that for the defence of South Carolina, there be kept up in that colony, at the continental expence, three batallions of foot; each batallion to consist of the same number of men and officers, to be upon the same pay, and under the same regulations as the continental army; and, on the 25 day of March last, resolved, that the convention, or council of safety of South Carolina, be permitted to raise and embody two other batallions, and that they be on the pay, and at the expence of the continent, as soon as they shall be armed fit for service, and accordingly mustered; and whereas the convention of South Carolina, on the 22d day of February last, ordered that their council of safety return the thanks of that colony to the Continental Congress for their attention to its security; that they state the peculiar circumstances and the heavy expences which have been and will be incurred by that colony in the measures necessary for their defence, and that they request the Continental Congress to allow that colony so much money as the expences of three batallions, upon the continental establishment, would amount to for one year, and to give continental rank to the officers of the three regiments raised in June, and of the regiment of artillery raised in November, from the dates of their respective commissions, or at least from

the fourth day of November, when they resolved to allow that colony three batallions; and whereas, the delegates from that colony in Congress, have represented the peculiar circumstances and heavy expences of that colony; and that the troops raised in it were inlisted for three years, upon a different establishment of pay, and under different articles of war, so as to render it inconvenient to place them, in all respects, upon the continental establishment; therefore,

Resolved, That the batallion of artillery, and the two other batallions of foot, raised in South Carolina, and kept up in that colony for the defence of the same, be considered as continental forces, and allowed the same pay, rations and disbursements as other forces on the continental establishment:

That the two batallions, under the command of the Colonels Gadsden and Moultrie, be allowed all the advantages of the continental establishment, from the 4th day of November last, and the regiment of artillery, from the time when the same was ordered to be raised by the Provincial Congress or convention of South Carolina:

That the two batallions of rifflemen, raised in and for the defence of the said colony, be considered as continental troops from the 25 day of March last, and be entitled to all the advantages of the same:

That all the above mentioned troops be liable to the articles for the government of the forces in the said colony:

That the said forces be continued on the continental establishment until the expiration of their inlistment, unless they shall be sooner disbanded by Congress:

That not more than one third of the effective men of the abovementioned forces be ordered out of the said

colony, without the express order of Congress or the consent of the president of that colony.[1]

Resolved, That Mr. [Thomas] Heyward, [Jr.] and Mr. [Lyman] Hall be added to the committee for providing medicines.

Resolved, That Mr. [John] Rodgers, be appointed a member of the marine committee.

Resolved, That a commissioner be appointed to settle in Canada the debts due on certificates, given by officers to the Canadians for carriages and other services; and to settle the accounts for such goods, as may have been seized, through necessity, for the use of the army; ~~and that the same as soon as liquidated be returned to the Board of Treasury, to be by them finally confirmed and discharged.~~ that it be given in instruction to him, to attend particularly to the case of Mr. Bernard; and that, in settling the certified debts, he state carefully the names of all those who have given certificates, the nature of the service, and the time when performed, and return the whole, when settled and stated, to the committee of treasury, to be by them examined and discharged:

Resolved, That the deputy pay master general be directed to transmit to Congress copies of the particulars before mentioned on the original certificates, with the report and remarks of the Commissioners thereon.[2]

That Thursday next be assigned for electing the said commissioner.

[1] "Enclosed are the resolutions of Congress respecting our Provincial forces. We wish they may be agreeable to your Excellency, to our Assembly, and to the officers of our Army; if they are not, there is nothing compulsory in them. Congress would not strictly comply with the request we were ordered to make on this subject, lest they should establish a precedent which might be injurious to the general interest of America. We have, therefore, been obliged to vary our application, and to adopt such resolutions as seemed most likely to give satisfaction to the officers of our Army." *South Carolina Delegates in Congress to President Rutledge*, 9 July, 1776.

[2] These two paragraphs included C. 2, 3, and 4 of the Jefferson report on p. 450, *ante*. The second paragraph was not adopted by Congress.

Resolved, That no man in these colonies, charged with being a tory, or unfriendly to the cause of American liberty, be injured in his person or property, or in any manner whatever disturbed, unless the proceeding against him be founded on an order of this Congress, or the Assembly, convention, council or committee of safety of the colony, or committee of inspection and observation, of the district wherein he resides; provided, that this resolution shall not prevent the apprehending any person found in the commission of some act destructive of American liberty, or justly suspected of a design to commit such act, and intending to escape, and bringing such person before proper authority for examination and trial.

Ordered, To be published.[1]

Information being given, that some of the officers, who were prisoners at Lebanon, in the colony of Pensylvania, have, in violation of the parole by them given and subscribed, made their escape,

Resolved, That it be referred to the Board of War and Ordnance to consider what steps are necessary to be taken on the occasion.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 19, 1776

Sundry letters and papers were laid before Congress and read.

A letter from the convention of New Jersey of the 18th, enclosing an ordinance for raising 3,300 militia for the defence of New York, and their proceedings for appre-

[1] Printed in the *Pennsylvania Gazette*, 19 June, 1776.

hending William Franklin, Esqr late governor of that colony;[1] Whereupon,

Resolved, That it be recommended to the convention of New Jersey, to proceed on the examination of Mr. Franklin, and if, upon such examination, they shall be of opinion that he should be confined, to report such opinion to this Congress, and then this Congress will direct the place of his confinement, they concurring in sentiment with the convention of New Jersey, that it would be improper to confine him in that colony.

The Board of War and Ordnance, to whom sundry letters and papers were referred, particularly one from General Washington dated the 16, brought in their report, which was taken into consideration; Whereupon,

Resolved, That the commissions granted by Brigadier General Sullivan, to sundry officers in Canada, mentioned in General Washington's letter, be approved and confirmed, provided, General Gates and the general officers in Canada, on consultation, shall think the measure will conduce to the public service.

That 300,000 dollars be sent to the pay master general at New York, for the use of the army.

The Committee of Claims reported, that there is due,

To John Jervis, for horse hire, ferriages, &c. the sum of £12 8 4=33 10/90 dollars:

To John Bruce, the sum of £5 0 6=13 36/90 dollars, being the ballance of his bill for tin cartouch boxes:

To Joseph Fernauer, the sum of £6 7 9=17 3/90 dollars, the ballance of his bill for tin cartouch boxes:

To Sacheverel Wood, the sum of £70 4 8=187 26/90 dollars, for victualling prisoners confined in gaol by order of Congress:

[1] The proceedings of the convention of New Jersey on William Franklin are in the *Journal of the Convention*, June 14–16. The letter enclosing them is in the same volume, June 18.

To George Reinhart, for hauling powder, arms, and bullets, the sum of £7 14 0=20 48/90 dollars:

To Thomas Harvey, for cash paid by him for guards of powder waggons, and also his bills for ferriages, the hire of a waggon, &c. the sum of £10 4 2=27 20/90 dollars, and that the same ought to be paid to Samuel Hillegas, Esq[r]

To Mary Thomas, for nursing and boarding two of Captain Benezet's men, in the small pox, the sum of £4 10 0=12 dollars:

Ordered, That the said accounts be paid.

A muster roll of the ninth Virginia batallion, commanded by Colonel Fleming, taken the 31 May last, was laid before Congress: Whereupon,

Resolved, That the said batallion be taken into continental pay from the said 31 day of May.

Resolved, That one ton of gun powder be sent to the colonel or commanding officer of said batallion:

Resolved, That the committee for preparing medicine chests, be directed to send a chest of medicines to the surgeon of said batallion.

Resolved, That the Marine Committee be directed to carry into execution the resolution of the 17th, for sending carpenters to General Schuyler.

A memorial from the mates of the Hospital was laid before Congress and read:[1]

Resolved, That it be referred to the committee for providing medicines.

Whereas it is indispensably necessary for the good of the service, that the soldiers of the United Colonies should be well provided with blankets and cloathing; therefore,

Resolved, That it be recommended to the assemblies and conventions of the United Colonies, forthwith to cause a

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 167.

suit of cloaths, of which the waistcoat and breeches may be made of deer leather, if to be had on reasonable terms, a blanket, felt hat, two shirts, two pair of hose, and two pair of shoes, to be manufactured, or otherwise procured at reasonable rates, in their respective colonies, for each soldier of the American Army, inlisted therein for the present campaign, and that the same be baled, invoiced, and stored in suitable places, to be delivered to the order of Congress, or the commander in chief of the American Army:

Resolved, That sufficient sums of money be granted to the assemblies and conventions aforesaid, on applying for the same, to enable them to discharge the demands arising from the purchase of the articles aforesaid:

Resolved, That the commander in chief of the American Army be empowered to draw on the said assemblies and conventions, for such articles of cloathing aforesaid, as he shall, from time to time judge necessary, and that the cost thereof be deducted from the pay of the soldiers who shall receive the same, by the proper officer for examining and discharging the accounts and pay rolls of the respective regiments.

The Marine Committee, to whom the petition of William Adams, surgeon, was referred, brought in their report, which was taken into consideration:[1] Whereupon,

Resolved, That the resignation of William Adams be accepted.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This petition, dated May 28, 1776, is in the *Papers of the Continental Congress*, No. 42, I, folio 11.

THURSDAY, JUNE 20, 1776

A letter of the 17 from General Washington, and a letter from the President of the convention of New Jersey, were laid before Congress, and read.[1]

Resolved, That in order to give time to the several committees, to prepare for the house the matters referred to them, it be a standing rule of Congress, that adjournments from the Friday evening, be always to Monday morning, unless on any particular occasion, the Congress shall order otherwise.

A petition from Carpenter Wharton was presented to Congress and read:

Resolved, That it be referred to the Board of War and Ordnance.

The Congress took into consideration the report of the committee on the cartel made between Brigadier General Arnold and Captain Foster, ||for exchange of prisoners;|| and, after some debate, the farther consideration thereof was postponed till to Morrow.

Resolved, That a committee of three be appointed to draw up rules and regulations for the conduct of Congress ||the house during debates:||

The members chosen, Mr. [Edward] Rutledge, Mr. [Thomas] Jefferson, and Mr. [Robert Treat] Paine.

The Committee of Claims reported, that there is due,

To Captain William Richards, for the detention of his shallop twenty days on the public service, the sum of £15=40 dollars:

To Robert Erwin, waggon master, the sum of £77 15 0= 207 30/90 dollars, for waggonage:

To David Williamson, for waggon hire, carrying Cap-

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 63. That from the convention of New Jersey is in No. 68, folio 151.

tain James Grier's baggage from Fredericksburg to New York, and returning home, the sum of £55 2 6=147 dollars:

To Abraham Mills, for nursing and boarding six soldiers in the small pox, the sum of £12 14 8=33 86/90 dollars:

To Samuel Cooper, for ferriage and storage, the sum of £9 16 0=26 12/90 dollars:

To Leonard Stoneburner, for one team hauling Captain Williams's company's baggage 18 miles beyond Goshen, and two teams hauling Captain Jones's [company]'s baggage to Albany, the sum of £155 9 6=414 54/90 dollars:

On two certificates produced by Henry Wisner, Esqr the sum of £4 6 3||=11 45/90 dollars,|| expences of the first Pensylvania batallion, at Goshen, and that the same ought to be paid to Henry Wisner, Esqr and charged to J. Shallus, quarter master of said batallion:

Ordered, That the said accounts be paid.

Resolved, That a committee of five be appointed to consider what provision ought to be made for such as are wounded or disabled in the land or sea service, and report a plan for that purpose:

The members chosen, Mr. [Robert Treat] Paine, Mr. F[rancis Lightfoot] Lee, Mr. [Lyman] Hall, Mr. [William] Ellery, and Mr. [Francis] Lewis.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock to Morrow.[1]

[1] The following minute is printed in the *Colonial Records of Pennsylvania*, X, 611:

"IN CONGRESS, *June 20, 1776*.

"Robert Morris, one of the Delegates from the Province of Pennsylva'a, reminded the Congress that the Assembly of said Province had Adjourned on the 14th inst., without having been able to Carry into Execution the Resolves of Congress of the 3rd Inst., for Raising 6,000 Militia for establishing a flying Camp; and then informed the Congress that their said Resolve, not being directed in *Terms* to the Committee of Safety, but address'd to the *Colony*, the said Committee were in doubt whether it

FRIDAY, JUNE 21, 1776

Resolved, That General Washington be directed to permit Brigadier General Wooster to return to his family in Connecticut.

Resolved, That the commanding officer of the Delaware batallion, be directed to send a proper guard, with the powder ordered to ||Colonel Fleming's regiment, on|| the Eastern Shore of Virginia.

Resolved, That an order for 300,000 dollars be drawn on the treasurers, in favour of the Delegates of South Carolina, for the use of the continental batallions ~~ordered to be raised~~ in that colony; the said delegates to be accountable:

The Committee of Claims reported, that there is due,

To Rowland Swan, a captain of his Britannic majesty's 7th regiment of foot, the sum of 36 dollars, for eighteen weeks' allowance, and 12 dollars for bringing his baggage from New York to Philadelphia, together with the bag-

would be expected from them to execute said Resolve, as they are in Recess of Assembly the Executive Body of this Province; He Also alledged that if the Congress expected the Committee to proceed in this Business it would be necessary or adviseable that they should recommend it expressly to them, for under the present Circumstances of the Province, he much doubted if they would be obeyed unless so authorized, and added that, if the Congress did not see proper to take further order in this matter, he hoped the Committee of Safety would always be held blameless, as they now gave Congress this necessary information for the express purpose of having an Explicit declaration, if they were expected to act in this important business, which they were ready to undertake if so desired. This application was made by Mr. Morris as declared, By order of the Committee of Safety, and after a debate of Considerable length, and two Motions made and seconded, one was withdrawn, the other determined in the Negative. In Consequence whereof, I have made this Memorandum immediately on the spot, to appear when it may be necessary, and to prevent blame being cast where it is not merited.

"Signed, ROB'T MORRIS.

"The above is a true state of Facts.

"Sign'd,

JOSEPH HEWES,
EDWARD RUTLEDGE, } *Delegates in Congress.*"
T. HOPE. [STONE]

gage of Capt. Dundee, and three privates of the said regiment:

To Joseph Haight, for supplying the prisoners at Burlington with provisions to the 4 June instant, the sum of £89 5 0=238 dollars.

To Andrew M'Nair, the sum of £45 1 11=120 23/90 dollars for provisions, &c. for the 24 Indians, while at the state house, which was 20 days:

To Michael Clarke, for liquor for the above Indians, the sum of £10 8=27 66/90 dollars:

Ordered, That the said accounts be paid.

A letter of the 21, from the convention of New Jersey, was laid before Congress and read, together with sundry letters from the prisoners there ||in Burlington.||

Resolved, That the pay of the commissioner to be sent into Canada be four dollars per day.

The Board of War and Ordnance, ||to whom was referred the case of the officers who served last winter in Canada,|| brought in a report, which was taken into consideration: Whereupon,

Resolved, That the convention of New York be requested to set on foot the raising another regiment on continental establishment, to serve for three years, or during the war, unless sooner discharged by Congress; and that in forming said regiment, they commission such officers as served the last campaign in Canada, and have not been yet provided for:

That the said officers be informed that the commissions to be granted them, be on condition that they raise their companies to their full complement, or nearly thereto, and that their commissions be withheld from them until the said condition be complied with:

That it be recommended to the said convention to make suitable provision for Major Dubois, with whose good

conduct Congress are well satisfied, and that they return his [name,] with the names of the other field officers, for the approbation of Congress.

That a commission of lieutenant colonel be given to Major John Vischer, in Colonel John Nicholson's regiment, in the New York forces.[1]

The Congress then resumed the consideration of the report from the committee of the whole: Whereupon,

Resolved, That General Washington be directed to order an enquiry to be made into the ~~causes of the miscarriages in Canada~~ conduct of the officers heretofore employed in the Canada department; that the said enquiry be made at such times and places as, in his judgment, shall be most likely to do justice, as well to the public as to the individuals; and that the result of the said enquiry, together with the testimonies upon the subject, be transmitted to Congress: that, moreover, all officers accused of cowardice, plundering, embezzlement of public monies, and other misdemeanors, be immediately brought to trial: And whereas, Congress is informed that an opinion has prevailed that officers resigning their commissions are not subject to trial by a court martial for offences committed previous to such resignation, whereby some have evaded the punishments to which they were liable, it is hereby declared that such opinion is not just.[2]

[1] George Clinton thought this regiment would not have been ordered, "were it not with a view of providing for those officers who have much merit, from reëngaging in the service of their country last fall, after the surrender of Montreal, and continuing through a most fatiguing and dangerous campaign in Canada during the winter." As to the recommendation of Major Dubois he said: "The Congress having heretofore left the appointment or recommendation of the officers of new levies with the Provincial Congress, in which the same are raised, and being therefore loath now to break through this rule, is (I am informed,) the only reason why the officers to this regiment are not appointed here." To *John McKesson*, 25 June, 1776. In *Journal of the Proceedings of the New York Provincial Congress*. See note under June 26, p. 481, *post*.

[2] This paragraph includes W. 6, 7, and 8 of the Jefferson report, p. 451, *ante*.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock on Monday.

MONDAY, JUNE 24, 1776

Two Letters from General Washington, of the 20 and 21, with sundry papers enclosed, were laid before Congress and read:[1] Whereupon,

Resolved, That a letter be written to the General, desiring him to put a stop to the raising the companies of Mohickan and Stockbridge Indians, mentioned in one of the enclosed papers; and that a like letter be written to Governor Trumbull.

That the letters, with the enclosed papers, be referred to the Board of War and Ordnance.

A letter, from the convention of New Jersey, dated 21, with sundry papers, containing the questions proposed to Mr. William Franklin, his behavior ||on the occasion,|| and the resolution of the Convention, "declaring him a virulent enemy to this country, and a person that may prove dangerous, and that the said William Franklin be confined in such place and manner as the Continental Congress shall direct;" Whereupon,

Resolved, That William Franklin be sent under guard to Governor Trumbull, who is desired to take his parole; and, if Mr. Franklin refuses to give his parole, that Governor Trumbull be desired to treat him agreeable to the resolutions of Congress respecting prisoners.

Resolved, That Mr. Mease be directed to advance to Captain Matthew Smith, of the riffle batallion, 1,040 dollars, for the purpose of recruiting his company; the said Captain Smith to be accountable.

[1] These letters are in the *Papers of the Continental Congress*, No. 152, II, folios 75 and 79. That of the 20th is printed in *Writings of Washington* (Ford), IV, 164.

Resolved, That Mr. Mease, and the Committee of Claims, be directed to forward to the pay master general, an account of the monies advanced and ordered to be charged to the riffle batallion, or the respective riffle companies, in order that the same may be deducted, and stopped from their pay.

Information being given to Congress that a quantity of tents, which were sent from Philadelphia for the use of the colony of Massachusetts bay, have been stopt at New York, by the order of the quarter master general:

Resolved, That the president write to the General on this subject, and desire him to order the said tents to be redelivered, and forwarded to the colony of Massachusetts bay immediately.

Resolved, That a committee, to consist of a member from each colony, be appointed to enquire into the cause of the miscarriages in Canada:[1]

That the said committee have power to send for persons and papers:

The members chosen, Mr. [William] Whipple, Mr. [Robert Treat] Paine, Mr. [Stephen] Hopkins, Mr. [Roger] Sherman, Mr. [George] Clinton, Mr. [James] Wilson, Mr. [William] Paca, Mr. [Thomas] Jefferson, Mr. [Joseph] Hewes, Mr. [Arthur] Middleton, and Mr. [Lyman] Hall.

The Committee of Claims reported, that there is due,

[1] In the *Papers of the Continental Congress*, No. 36, IV, folio 171, is a paper in the writing of Charles Thomson, as follows: "That the Board of War and Ordnance be directed to inquire into the causes of the miscarriage in Canada and into the conduct of such officers as may have been accessory thereto, and report the same with the charges to Congress, together with their sentiments thereon." This, with several motions, was referred to the Committee of the Whole. In the same volume, folio 177, is a motion in the writing of James Wilson, as follows: "*Resolved*, That a committee be appointed to enquire into the causes of the miscarriages that have happened in Canada.

"*Resolved*, That this Committee be empowered to send for such Persons and Papers as may tend to throw Light upon the Subject before mentioned."

To Gunning Bedford, the sum of £75 15 0=202 dollars, of which sum £38 15 0 ||=103 dollars and 30/90ths,|| is for his pay and subsistence for two months; and the remainder for a horse for the continental service:

Ordered, That the said accounts be paid.

Resolved, That the report on the cartel for exchange of prisoners, entered into between Brigadier General Arnold and Captain Foster, be recommitted.

The Congress took into consideration the report of the Committee on Spies; Whereupon,

Resolved, That all persons abiding within any of the United Colonies, and deriving protection from the laws of the same, owe allegiance to the said laws, and are members of such colony; and that all persons passing through, visiting, or make a temporary stay in any of the said colonies, being entitled to the protection of the laws during the time of such passage, visitation or temporary stay, owe, during the same time, allegiance thereto:

That all persons, members of, or owing allegiance to any of the United Colonies, as before described, who shall levy war against any of the said colonies within the same, or be adherent to the king of Great Britain, or others the enemies of the said colonies, or any of them, within the same, giving to him or them aid and comfort, are guilty of treason against such colony:

That it be recommended to the legislatures of the several United Colonies, to pass laws for punishing, in such manner as to them shall seem fit, such persons before described, as shall be proveably attainted of open deed, by people of their condition, of any of the treasons before described.

That it be recommended to the several legislatures of the United Colonies, to pass laws for punishing, in such manner as they shall think fit, persons who shall counter-

feit, or aid or abet in counterfeiting, the continental bills of credit, or who shall pass any such bill in payment, knowing the same to be counterfeit.

Resolved, That the remainder of said report be recommitted.

The committee, appointed to consider what harbours are proper to be fortified, brought in their report, which was read.

The Committee appointed to consider what Harbours are proper to be fortified, have attended that Service, and come to the following Resolutions, viz:

Resolved, as the opinion of this Committee, that the Harbour of Cape Ann, in the Colony of Massachusetts Bay, ought to be fortified, and to this End that Twenty Pieces of large Cannon, with Ten Eighteen Pounders and Ten Twenty four Pounders, be procured at the Continental Expence and sent to that Place, and that the Commanding officer in the Eastern Department be directed to order an Engineer to dispose of said Cannon to the best Advantage for the Defence of that Harbour, and also to order a sufficient Number of Troops there to do the necessary Work.

Resolved, That Twenty two Pieces of heavy Cannon, Eighteen and Twenty four Pounders, be furnished at the Expence of the Continent for the Fortification of the Harbour of New London, and that Governor Trumbull be impowered to raise three Companies of Troops on the Continental Establishment of Pay, Rations, and Disbursements, to be stationed at New London to Garrison the Forts there and defend the Harbour.

Resolved, that the Marine Committee be impowered and instructed, to build, Man and equip two large Row Gallies for the Defence of little Egg Harbour, so called, in the Colony of New Jersey.[1]

Ordered, To lie on the table.

Resolved, That the said committee be empowered to draw on the Treasurers, for a sum of money sufficient to defray the expences of surveying and examining the ports.

[1] This report, in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 28, folio 193. A report upon New York is printed later.

A petition from Antoine Felix Wiebert was presented to Congress, and read:

Resolved, That the same, together with the papers accompanying it, be referred to the Board of War ||and Ordnance.||

The Board of War and Ordnance, to whom was referred a petition from Carpenter Wharton, brought in their report, which was read:

Ordered, To lie on the table: and that the president write to General Washington, and request him to inform Congress of the cost of a ration as furnished by the commissary general.

The several matters to this day referred, being postponed,[1]

Adjourned to 9 o'Clock to Morrow.

TUESDAY, JUNE 25, 1776

A letter from General Washington, of the 23, with sundry letters from Major General Schuyler, Brigadier General Sullivan, Brigadier General Arnold, and others, were laid before Congress, and read:[2]

Resolved, That the same be referred to the Board of War and Ordnance; who are directed to sit immediately, and report thereon as soon as possible.

A memorial from Captain Stephen Rowe Bradley was presented to Congress and read, together with sundry accounts:

Resolved, That the same be referred to the Board of Treasury.

[1] A memorial of Captain Elisha Painter was read this day. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 121. Also a petition from William Goddard, which was referred to the Board of War. It is in No. 42, III, folio 178, and bears an endorsement by Richard Peters: "24 P. M. Read before the Board of War and referred to farther consideration."

[2] The letter of Washington, with enclosures, is in the *Papers of the Continental Congress*, No. 152, II, folio 89. It is printed in *Writings of Washington* (Ford), IV, 169.

The Marine Committee having recommended Captain Samuel Nichols, to be advanced to major of marines; Andrew Porter, Joseph Hardy, Samuel Shaw, Benjamin Deane, and Robert Mullin, to be captains of marines; Daniel Henderson, David Love, Franklin Reed, and Peregrine Brown, to be first lieutenants of marines; James M'Clure, William Gilmore, Abel Morgan, and Hugh Montgomery, to be second lieutenants of marines; John Stewart to be captain; Thomas Pownal, first lieutenant, and Richard Harrison, second lieutenant, of marines, for the frigate building in Maryland:

John Langdon, Esqr as agent of prizes for the Colony of New Hampshire:

Resolved, That the gentlemen recommended be approved, and that commissions be granted to them accordingly.

Resolved, That the Secret Committee be directed to sell to John Maxwell Nesbit & Co. 125 lb. of powder, for the use of the privateer fitting out by them.

Resolved, That the committee appointed to contract for making musquets, be directed to consider on a bounty, or other means, for encouraging the making of musquets.

Adjourned to 4 o'Clock.

EODEM DIE, P. M.

A Declaration of the deputies of Pensylvania, met in provincial conference, was presented to Congress, and read; expressing their willingness to concur in a vote of Congress, declaring the United Colonies Free and Independent States.

The Board of War and Ordnance, to whom the several letters received this morning were referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That the number of men destined for the northern department, be augmented to 4 thousand:

That a colonel's commission be immediately issued to Major Dubois, with instructions forthwith to raise a regiment to serve for three years, or during the war, and that the corps of officers be composed of such as have served with credit in Canada; no officer to receive his commission until his company be raised and armed; the arms of the people inlisting themselves, to be valued by the committees of the counties, where the companies are raised, and paid for by the continent, on their being mustered:

That it be earnestly recommended to the colony of New Hampshire, to send immediately one regiment of their militia; to Massachusetts bay, [to send] two regiments of their militia; to Connecticut, [to send] one regiment of their militia to augment the troops destined for the northern department:

That letters be sent to the several assemblies of the colonies, from whence the several regiments of militia are and have been requested, earnestly pressing them to be expeditious in raising and equipping their troops, and requesting the several assemblies to take upon themselves the care of providing the said troops with cloaths, tents, and all necessary camp equipage, and assuring them that the United Colonies will be answerable for the expence of the same:

That a regimental pay master, who is not to be an officer of the army, be appointed by the said colonies to each of the said batallions, who shall keep all the accounts of his respective batallion, and to whom particular returns shall be made of the expence of cloathing the said batallion, in order that the same may be deducted out of the pay of the soldiers, for whom the articles shall have been provided.

~~Resolved, That a committee be appointed immediately to repair to New York and confer with General Washington and the other generals there, with power to agree upon and take the proper steps for carrying into execution such further measures as on consideration of all circumstances shall be judged most adviseable in the present situation of affairs in Canada and the neighbourhood of the lakes.~~

on reconsideration next day ordered to be expunged.[1]

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JUNE 26, 1776

A letter from General Washington, of the 21 and,

A letter from Brigadier General Wooster, of the 26 were presented to Congress, and read:[2]

Ordered, That the letter from Brigadier General Wooster be referred to the committee appointed to enquire into the causes of the miscarriages in Canada.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Monsr Antoine Felix Weibert, who applies to be employed as an engineer in the continental service, be recommended to General Washington as a person who appears to be qualified to act in that capacity; but, as he asks no more at present than to be placed in a situation, in which he may be enabled to evidence his abilities, the General be desired to employ him in such

[1] This entry is written on the margin of the page.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 85. It is endorsed: "Read 26th, 27th. Read before Board of War and referred for farther consideration." The letter introduced the Chevalier de Kermorvan and M. de Vermonet. The letter of Wooster, dated June 26, is in No. 161, folio 313.

way, as he shall judge will best conduce to the good of the service, and answer Mons. Weibert's request.

Resolved, That ~~beating warrants be forthwith made out to~~ the following gentlemen be appointed officers of the batallion to be raised under Colonel Lewis Dubois; their commissions to be given them as soon as their complement of men shall be raised:

Jacobus S. Bruyn, lieutenant colonel; William Goforth, major; David Dubois, 1 captain, Elias Van Banschoten, 2d, Thomas De Witt, 3d, do., Isaac Wool, 4th do., Philip D. B. Bevier, 5th do., Richard Platt, 6th do., Albert Pawling, 7th do., and Cornelius T. Jansen, 8th do.; James Gregg, Aaron Austin, Jonathan Piercy, Evans Wherry, Garret Van Wagenan, Henry Vandenburg, Nathaniel Conklin, and Henry Dodge, as first lieutenants; Daniel Gano, as second lieutenant in the first company; John Coates, surgeon; and Henry Dubois, adjutant.

Resolved, That the president write to the convention of New York, and explain to them, the reasons that induced the Congress to enter into the foregoing resolutions; and to request the said convention to appoint the other officers of said batallion, and to use their best endeavours in equipping and forwarding the said batallion as soon as possible.[1]

[1] This action was reluctantly acquiesced in by the New York delegates in the Congress. In their letter to the New York Provincial Congress they thus explained the necessity:

"On receiving the late intelligence from Canada, respecting the repulse of the detachment of our army commanded by Gen. Thompson at Three Rivers, &c. the despatches containing this account, with the state of our army in Canada, were referred to the board of war, who, the same day, reported the necessity of reinforcing our army there with four regiments, &c; that to be raised in our Colony to be one; to expedite the raising of which, an arrangement of the officers was also reported and agreed to by Congress. We objected to this measure, and thought it our duty to withhold our assent, not only because it was, as we conceived, introducing a new precedent which might give offence, but might interfere with appointments which you might probably have made for the same regiment, in consequence of the former

Resolved, That the Marine Committee be empowered to purchase the armed brig *Catharine*, with her guns, tackle, apparel and furniture, as she now lies in Connecticut.

The Committee of Claims reported, that there is due,

To Dr. Bond, the sum of £3 10=9 30/90 dollars for medicines and attendance for three Indians:

To Benjamin Armitage, for boarding and lodging Thomas Folmer, the Indian interpreter, twenty days, the sum of £4 12 1=12 25/90 dollars.

To Richard Cheneys, the sum of £1 16 10=4 82/90 dollars for victualling General Lee's guards, and that the same ought to be paid to John Morton, Esq[r]

To Anthony Welte, for provisions supplied Captain Nelson's company, the sum of £6 16 6=18 18/90 dollars.

To Aaron Phips, the sum of £2 16 2=7 44/90 dollars for sundry expences of General Lee's guards:

To John Osborne, the sum of £3 0 0=8 dollars; of which sum 6 dollars is for three weeks boarding and

resolves. The pressing occasion and necessity of despatch were urged to support the measure; and it was alleged that as these appointments were made of particular persons who had merited it by former service, it interfered with no former rule; and even should the appointments be continued to the Provincial Congress, it would in this case only create unnecessary delay, as the same persons must be appointed by them to answer the design and meaning of this Congress expressed in their former resolve. We were persuaded, nay we are morally certain, considering the busy season of the year, which will enhance the wages of labourers, and the numbers of militia now in the service, that this regiment cannot possibly be raised in time to answer the end for which it is more particularly designed; and should our affairs in Canada grow worse, as we have reason to apprehend from present appearances, we feared lest delay, though unavoidable, and every misfortune which may befal our army in Canada, for want of a proper reinforcement, might by some be imputed to our Colony, notwithstanding your earnest exertions to carry in execution this impracticable and, as we conceive, ineffectual measure. We judged it, therefore, most prudent only to mention our reasons for withholding our assent, without making a more pointed and strenuous opposition to the measure, thereby leaving the Colony in such a situation as not to incur any blame on this occasion." The letter was dated June 27, and was signed by George Clinton, Francis Lewis, William Floyd, Henry Wisner and John Alsop. *Journal of the Proceedings of the New York Provincial Congress.*

lodging a sick soldier, and two dollars for a coffin for one of Captain Vanzant's men:

To George Hawes, for waggon hire, &c. carrying money to Cambridge at the time Mr. Franks went, the sum of £26 8 4=70 40/90 dollars,

To Messrs. Hanson, Donaldson, and Franks, for carrying money to the camp in March last, the sum of £89 7 4=238 28/90 dollars:

To Isaac Sorrel, the sum of £10 2 1=26 85/90 dollars; of which sum £4 0 9||=10 69/90 dollars|| is for the expences of the prisoners that were brought from North Carolina and the guard; the remainder is for the expences of the guard that went with the powder, &c. to Colonel Miles, at Marcus hook.

To Mr. Henry Haller the sum of £242. 1. 4=645 46/90 Dollars, of which sum Captain John Nelson is to be charged

for two riffles	£9. 0. 0= 24
expences of his company at Reading	£4. 17. 5= 12 $\frac{88}{90}$
expences of the prisoners from St. Johns &c at ditto to the 8 June	£201. 18. 11=588 $\frac{47}{90}$
Mr. Haller's pay from 30 March to 7 June inclusive, 70 days, at 7/6 as commissary	£26. 5. 0= 70

Ordered, That the said accounts be paid.

Resolved, That a bounty of ten dollars be given to every non-commissioned officer and soldier, who will inlist to serve for the term of three years.[1]

Resolved, That the resolutions passed yesterday, be enclosed to General Washington, and that he be desired to afford such assistance to the northern or Canada department, as he shall be enabled to do consistently with the safety of New York; and, from time to time, to give such directions as he may think expedient for the public service.

[1] This was W. 12. in the Jefferson report, printed under June 17, p. 451, *ante*.

A paragraph of a Letter from General Washington to one of the members, being laid before Congress, and read:

Resolved, That the same be referred to the Board of War and Ordnance.

Resolved, That the Secret Committee be directed to supply the Marine Committee with one ton of powder, for the use of the vessel which they were this morning empowered to purchase.

Resolved, That Michael Hillegas, Esqr be empowered and directed to pay such sums of money as are or may be due to the several signers of continental bills of credit, for their services, agreeable to the resolve of Congress for that purpose.

The committee to whom ||was referred|| the petition of William Whiting, a soldier who was wounded in the continental army at Quebec, brought in their report, ||which was read:|| Whereupon,

Resolved, That the sum of twenty dollars be paid out of the public treasury to William Whiting, to enable him to return to his family at Norfolk, in Connecticut.

The committee on the treasury, to whom were referred the petition and accounts of Stephen Row Bradley, brought in their report: Whereupon,

Resolved, That there be paid to Stephen Row Bradley the sum of 691¼ dollars, for the service of himself and his company, from the 15 day of January to the 25th of February, during which time they were employed in the service of the continent.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JUNE 27, 1776

A letter from Governor Trumbull, of the 17th, and
A petition from Colonel John Brown,
A petition from William Holton, were read:

Resolved, That the petition of Colonel Brown be referred to the Committee appointed to enquire into the causes of the miscarriages in Canada:[1]

That the petition from William Holton be referred to the Board of War and Ordnance.

Resolved, That an order for 24 dollars be drawn on the treasurers in favour of Major Bicker; he to be accountable.

Sundry letters from the southward, being received by express, were laid before Congress, and read, viz.

One from General Lee, dated Little River, 6 June, enclosing two letters, one from John Rutledge, Esqr the other from General Armstrong to General Lee, dated Charleston, South Carolina, 4th of the same month, advising, that 51 sail of the enemy were arrived there, and lying in sight of the town:

One from Brigadier General Lewis, dated Williamsburgh, June the 18th, enclosing one from General Lee, of the 6th, to him:[2]

Resolved, That the said letters be referred to the Board of War and Ordnance:

The Congress took into consideration the letter from Governor Trumbull; and, after some debate,

Resolved, That the farther consideration thereof be postponed; and, in the mean while, that Governor

[1] The letter from Governor Trumbull is in the *Papers of the Continental Congress*, No. 66, I, folio 185. The petition of John Brown is in No. 153, II, folio 319. That of William Holton is in No. 42, III, folio 321. It is endorsed by Richard Peters: "28th. Read before Board of War and refd for further considn."

[2] This letter is in the *Papers of the Continental Congress*, No. 158, folio 69.

Trumbull be desired to send to Congress, an account of the cannon left at New London by Commodore Hopkins, their number, size, bore and weight, and also an account of the other cannon there.

A letter from the commissioners for Indian affairs in the southern department, with sundry papers enclosed, was laid before Congress, and read.

The Board of War and Ordnance, to whom the paragraph of a letter from the General was referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That six companies of rifflemen, in addition to the three companies now at New York, be raised and the whole regimented; and that a commission be granted to Captain Stevenson, to be colonel of the regiment of rifflemen, which is to be inlisted for three years, unless sooner discharged by Congress; the men to be allowed a bounty of ten dollars; and that the eldest captain, Moses Rawlins from Maryland, lately of the riffle companies be made a lieutenant colonel, and the captain of the other riffle company, Otho Holland Williams, major:

That four companies of rifflemen, for the said regiment, be raised in Virginia, and two in Maryland, the pay of the men to commence from the time they shall be armed and mustered: their arms to be appraised by the committee of the county, and paid for by the United Colonies:

That General Washington be directed forthwith to send to this Congress a complete list of all the vacancies in the army, and the names of such officers as he can recommend for filling them.

The Committee of Claims reported, that there is due,

To Robert Erwin, waggon master, the sum of £90 11 9= 241 51/90 dollars, a balance of three teams that went to North Carolina with powder;

To Doctor Frederic Phile, for medicines and attendance on the 5th Pensylvania batallion, from the time of their embodying to the 13th of June, 1776, the sum of £199 14 3=532 51/90 dollars.

To John Bates, the sum of £25 10 1=68 dollars for camp kettles:

To Elizabeth Slaydon, the sum of £9=24 dollars, for nursing and boarding two soldiers, of which sum Captain Stewart is to be charged with £5 ||=13 30/60 dollars,|| it being for nursing and boarding the man he wounded in the state house yard; the remainder to the continent; and that the above £9 0 0 ||=24 dollars|| ought to be paid to Colonel Matlack:

To Rachel Hewen, the sum of £2=5 30/90 dollars, for nursing and boarding two soldiers of the continental army:

That there be repaid to Robert Moore the sum of seven dollars, which was stopped out of his pay by Captain M. Smith; the same having been by him expended for provisions, when he was left sick by his company in Canada:

Ordered, That the said accounts be paid.

Resolved, That the pay of Doctor Huston, who was appointed surgeon to the 5th Pensylvania batallion, be stopped till farther orders of Congress, and that the pay master be notified thereof.

The committee to whom it was referred to devise a mode of raising the German batallion, voted on the 25 of May last, brought in their report, which was taken into consideration: Whereupon,

Resolved, That four companies of Germans be raised in Pensylvania, and four companies in Maryland, to compose the said regiment [battalion]:

That it be recommended to the committee of safety of Pensylvania, immediately to appoint proper officers for,

and direct the inlistment of, the four companies to be raised in that colony:

That it be recommended to the convention, or, in their recess, to the committee or council of safety of Maryland, immediately to appoint proper officers for, and direct the inlistment of, the four companies to be raised in that colony:[1]

That the said companies be inlisted to serve for three years, unless sooner discharged by Congress, and receive bounty, pay, rations, and all other allowances equal to any of the continental troops:

That the said companies be entitled to pay and subsistence from the time of inlistment:[2]

That the said companies, when raised, be formed into a batallion, under the command of such field officers as the Congress shall appoint:

That the rank of the captains of the said companies be regulated as Congress shall hereafter direct:

That 5,000 dollars be sent to the committee of safety of Pensylvania, and 5,000 dollars to the convention, or, in their recess, to the committee of safety of Maryland, to defray the expence of raising the said companies.[3]

Resolved, That it be recommended to the convention, or, in their recess, to the committee of safety of Maryland, to appoint the officers, and forward, with all possible expedition, the raising the two companies of rifflemen.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock to Morrow.

[1] Printed in the *Pennsylvania Gazette*, 3 July, 1776.

[2] On the original report the following sentence was inserted by John Hancock, but afterwards stricken out: "their being armed, their arms to be appraised by the Com^ee of the County in which they are raised, and paid for by the United Colonies"

[3] This report, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, No. 21, folio 45.

FRIDAY, JUNE 28, 1776

The Committee of Claims, to whom was referred the petition and accounts of Thomas Thomson, report,

That there ought to be paid to Thomas Thomson the sum of 750 dollars, in part of an account for lumber, said to have been delivered by Simon Metcalf to the forces belonging to the continent, at St. John's, in Canada:

Ordered, that the said account be paid.

A petition from Colonel James Easton was presented to Congress and read:

Resolved, That the same be referred to the committee appointed to enquire into the causes of the miscarriages in Canada.

The Committee of Claims reported, that there is due,

To Thomas Mayberry, 117 29/90 dollars, for plated iron:

Resolved, That the said sum be paid.

A petition of William Poole was presented to Congress and read:

Resolved, That it be referred to the committee for making provision for wounded and disabled soldiers.

Francis Hopkinson, Esqr one of the delegates for New Jersey, attended, and produced the credentials of their appointment, which were read, as follows, viz.

IN PROVINCIAL CONGRESS, NEW JERSEY,
Burlington, June 21st, 1776.

The Congress proceeded to the Election of Delegates to represent this Colony in Continental Congress, when Richard Stockton, Abraham Clark, John Hart, and Francis Hopkinson, Esqs. and Dr. John Witherspoon, were elected by Ballot, to serve for one Year, unless a new Appointment be made before that Time.

Resolved, That the following Instructions be given to the Delegates elected as aforesaid:

To Richard Stockton, Abraham Clark, John Hart and Francis Hopkinson, Esquires, and the Reverend Dr. John Witherspoon, Delegates appointed to represent the Colony of New Jersey in Continental Congress:

The Congress empower and direct you, in the Name of this Colony, to join with the Delegates of the other Colonies in Continental Congress, in the most vigorous Measures for supporting the just Rights and Liberties of America; and, if you shall judge it necessary or expedient for this Purpose, we empower you to join with them in declaring the United Colonies independent of Great Britain, entering into a Confederacy for Union and common Defence, making Treaties with foreign Nations for Commerce and Assistance, and to take such other Measures as may appear to them and you necessary for these great Ends; promising to support them with the whole Force of this Province; always observing, that, whatever Plan of Confederacy you enter into, the Regulating the internal Police of this Province is to be reserved to the Colony Legislature. By Order of Congress.

SAMUEL TUCKER, *President.*

Extract from the Minutes:

WM. PATERSON, *Secretary.*

IN PROVINCIAL CONGRESS, NEW JERSEY,
Burlington, June 22d, 1776.

Upon the Question, Whether one or more Delegates shall be a Quorum to represent this Province in Continental Congress, it was carried in Favour of one.

Extract from the Minutes. WM. PATERSON, *Secy.*

The Board of War brought in a report, which was read in these words:

Monsieur Le chevalier de Kirmovan, having produced to the Board indubitable credentials of his good character and superior abilities in the art of war, and particularly as an engineer, the Board resolved to recommend him to Congress as a person who can be much confided in; and it is the opinion of the Board, that the committee of safety of Pensylvania be requested to employ him in planning and laying out the fortification agreed by Congress, to be erected at Billingsport, on the river Delaware.

The said report being again read,

Resolved, That the same be agreed to.

Resolved, That Mr. [Francis] Hopkinson be added to the committee for preparing a plan of confederation.

Resolved, That the Secret Committee be directed to sell to the committee of Salem county, in New Jersey, 300 lbs. of powder.

The committee appointed to prepare a declaration, &c. brought in a draught, which was read:

Ordered, To lie on the table.

Declaration of Independence.[1]

FIRST DRAFT

A Declaration by the Representatives of the United States of America in general Congress assembled.

When in the Course of human Events it becomes necessary for a People to advance from that Subordination, in which they have

REPORTED DRAFT

A Declaration by the Representatives of the United States of America, in General[2] Congress assembled.

When in the course of human events it becomes necessary for ~~a~~ one people to ~~advance from that subordination in which they have~~

[1] The "first draft" is from a manuscript in the writing of John Adams, among the Adams Papers, as printed in the *Writings of Thomas Jefferson* (Ford), II, 42. It probably represents the original form of the paper, but the capitalization is Adams's, not Jefferson's. The "second draft" is from the manuscript in the Department of State, which has been reproduced many times in facsimile. I have given the text of this manuscript in full, showing the changes made during its consideration in committee and in Congress. In notes I give the more important differences to be found in copies of the Declaration which Jefferson prepared for his friends. That in the Madison collection is called "MS. A," and that in the Emmet collection is called "MS. B." The latter was probably intended to be a copy of the first form in which the Declaration left Jefferson's hand, and should be like the Adams manuscript. Differences exist, however, and only a definite statement from Jefferson could indicate the time at which this MS. B. was prepared. MS. A was doubtless prepared at a later period, being embodied in the notes of debates in the Congress of 1776, prepared for Madison by Jefferson, "as a copy from his original notes." These original notes are in the Jefferson Manuscripts in the Library of Congress, 5th Series, III. Jefferson says that words with a "black line under them were struck out by Congress"—here distinguished by [ ].

[2] In MS. A this word is in brackets.

hitherto remained and to assume among the Powers of the Earth, the equal and independent Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the opinions of Mankind requires that they should declare the Causes, which impell them to the Change.

We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness; that to secure these Ends, Governments are instituted among Men, deriving their just Powers from the Consent of the governed; that whenever, any form of Government, shall become destructive of these ends, it is the Right of the People to alter, or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall Seem most likely to effect their Safety and Happiness. Prudence indeed will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shown, that Mankind are more dis-

~~hitherto remained, & to~~ dissolve the political bands which have connected them with ~~other~~ another and to assume among the powers of the earth the ~~equal & independent~~ separate and equal station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to ~~the change~~ the separation.

We hold these truths to be ~~sacred & undeniable~~ self-evident; that all men are created equal, ~~& independent;~~ that ~~from that equal creation they derive in~~ they are endowed by their creator with ~~equal rights some of which are~~ certain [inherent &] inalienable rights; that among ~~which~~ these are ~~the preservation of~~ life, ~~&~~ liberty, & the pursuit of happiness; that to secure these ~~ends~~ rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government ~~shall~~ becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying it's foundation on such principles & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should

posed to Suffer, while Evils are Sufferable, than to right themselves, by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, begun at a distinguish'd Period, and pursuing invariably, the same object, evinces a Design to reduce them under absolute Power, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity, which constrains them to expunge their former Systems of Government.

The History of his present Majesty, is a History of unremitting Injuries and Usurpations, among which no one Fact stands Single or Solitary to contradict the uniform Tenor of the rest, all of which have in direct object, the Establishment of an absolute Tyranny over these States. To prove this, let Facts be Submitted to a candid World, for the Truth of which We pledge a Faith, as yet unsullied by falsehood.

not be changed for light & transient causes: and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses & usurpations, [begun at a distinguished period, &] pursuing invariably the same object, evinces a design to ~~subject~~ reduce them ~~to arbitrary power,~~ under absolute Despotism,[1] it is their right, it is their duty, to throw off such government & to provide new guards for their future security. such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to [expunge] alter their former systems of government. the history of ~~his~~ the present ~~Majesty~~ King of Great Britain,[2] is a history of [unremitting] repeated injuries and usurpations, [among which ~~no one fact stands single or solitary~~ appears no solitary fact to contradict the uniform tenor of the rest, ~~all of which~~ [have] but] all having in direct object the establishment of an absolute tyranny over these states. to prove this let facts be submitted to a candid world, [for the truth of which we pledge a faith yet unsullied by falsehood.]

[1]Against these three words Jefferson has written "Dr. Franklin's hand writing," but the insertion appears to have been made by Jefferson himself.

[2]Against these four words Jefferson has written: "Mr. Adams's hand writing."

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their operation, till his Assent should be obtained; and when so suspended he has neglected utterly to attend to them.

He has refused to pass other Laws for the accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has dissolved Representative Houses, repeatedly, and continually, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused, for a long Space of Time after such Dissolutions, to cause others to be elected, whereby the legislative Powers, incapable of annihilation, have returned to the People at large for their Exercise, the state remaining in the mean time, exposed to

he has refused his assent to laws the most wholesome and necessary for the public good:

he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected ~~utterly~~ to attend to them.

he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only:

he has called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures:

he has dissolved Representative houses repeatedly [& continually] for opposing with manly firmness his invasions on the rights of the people:

~~when dissolved~~ he has refused for a long ~~space of time~~ time after such Dissolutions[1] to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time

[1] Against these four words Jefferson has written "Mr. Adams."

all the Dangers of Invasion, from without, and Convulsions within.

exposed to all the dangers of invasion from without, & convulsions within:

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for naturalization of foreigners; refusing to pass others to encourage their Migrations hither; and raising the Conditions of new Appropriations of Lands.

he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither; & raising the conditions of new appropriations of lands:

He has suffered the Administration of Justice totally to cease in some of these Colonies, refusing his Assent to Laws for establishing Judiciary Powers.

he has [suffered] obstructed the administration of justice [totally to cease in some of these ~~colonies~~ states,] by refusing his assent to laws for establishing judiciary powers:

He has made our Judges dependent on his Will alone, for the Tenure of their offices, and amount of their Salaries:

he has made [our] judges dependant on his will alone, for the tenure of their offices, and the amount & payment[1] of their salaries:

He has created a Multitude of new offices by a Self-assumed Power, and sent hither swarms of officers to harrass our People and eat out their Substance.

he has erected a multitude of new offices [by a self-assumed power,] & sent hither swarms of[2] officers to harrass our people & eat out their substance:

He has kept among us, in Times of Peace, Standing Armies and Ships of War.

he has kept among us in times of peace ~~although our Conduct~~[3] standing armies [& ships of war] without ~~our~~ the consent of our Legislatures:

He has affected to render the military, independent of, and Superiour to, the civil Power.

he has affected to render the military, independent of & superior to the civil power:

He has combined with others to

he has combined with others to

[1] Against these words Jefferson has written "Dr. Franklin."

[2] MS. A reads "new officers."

[3] These words were in the writing of John Adams.

subject us to a Jurisdiction foreign to our Constitution and unacknowledged by our Laws; giving his Assent to their pretended Acts of Legislation; for quartering large Bodies of armed Troops among us; for protecting them by a Mock Tryal from Punishment for any Murders they should commit on the Inhabitants of these States; for cutting off our Trade with all Parts of the World; for imposing Taxes on us without our Consent; for depriving Us of the Benefits of Trial by Jury; for transporting us beyond Seas to be tried for pretended offenses; for taking away our Charters, and altering fundamentally the Forms of our Government; for suspending our own Legislatures and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws; giving his assent to their acts of pretended ~~acts of~~ legislation, for quartering large bodies of armed troops among us;

for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states;

for cutting off our trade with all parts of the world;

for imposing taxes on us without our consent;

for depriving us in many cases[1] of the benefits of trial by jury;

for transporting us beyond seas to be tried for pretended offences;

for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging it's boundaries so as to render it at once an example & fit instrument for introducing the same absolute rule into these ~~colonies~~ [states] colonies;

for taking away our charters, abolishing our most ~~important~~ valuable Laws,[2] and altering fundamentally the forms of our governments,

for suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever:

[1] MS. B. omits these three words.

[2] Against this phrase Jefferson has written "Dr. Franklin."

He has abdicated Government here, withdrawing his Governors, and declaring us, out of his Allegiance and Protection.

he has abdicated government here, [withdrawing his governors, & declaring us out of his allegiance & protection:] by declaring us out of his protection & waging war against us.[1]

He has plundered our Seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

he has plundered our seas, ravaged our coasts, burnt our towns & destroyed the lives of our people:

He is at this Time transporting large Armies of foreign Mercenaries to complete the Works of death, Desolation, and Tyranny, already begun with Circumstances of Cruelty and Perfidy unworthy the Head of a civilized Nation.

he is at this time transporting large armies of Scotch and other foreign mercenaries to compleat the works of death desolation and tyranny already begun with circumstances of cruelty & perfidy scarcely paralleled in the most barbarous ages and totally unworthy the head of a civilized nation:

he has constrained &c.[2]

He has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare is an undistinguished Destruction of all Ages, Sexes, and Conditions of existence.

he has excited domestic insurrections amongst us and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, & conditions [of existence:]

He has incited treasonable Insurrections of our Fellow Citizens, with the allurement of Forfeiture and Confiscation of our Property.

[he has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture & confiscation of our property:

He has constrained others,[3] ~~falling into his hands~~ taken captive

[1] MS. B. omits the words "and waging war against us."

[2] Probably a note of insertion for locating in the final form the paragraph given below. MS. A. gives the final order of paragraphs, while MS. B. follows the earlier arrangement.

[3] MS. A reads "our fellow citizens."

He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain.

He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold. and that this assemblage of Horrors might want no Fact of distinguished Die

He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.

on the high seas to bear arms against their country, ~~& to destroy & be destroyed by the brethren whom they love,~~ to become the executioners of their friends & brethren, or to fall themselves by their hands:

he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people, who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain determined to keep open a market where MEN should be bought & sold, ~~and~~ he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce ~~determining to keep open a market where MEN should be bought and sold~~: and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.]

In every stage of these oppressions we have petitioned for redress, in the most humble Terms; our repeated Petitions have been answered by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a People who mean to be free. future ages will scarce believe, that the Hardiness of one Man, adventured, within the Short Compass of twelve years only, on so many Acts of Tyranny, without a Mask, over a People, fostered and fixed in the Principles of Liberty.

in every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only [1] by repeated injuries.[2] a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people [who mean to be free. future ages will scarce[3] believe that the hardiness ~~audacity~~ of one man adventured within the short compass of twelve years only, ~~on so many acts of tyranny without a mask~~ to ~~lay~~ build a foundation, so broad & undisguised,[4] for tyranny over a people fostered & fixed in principles of ~~liberty~~ freedom.]

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of attempts of their Legislature to extend a Jurisdiction over these our States. We have reminded them of the Circumstances of our Emigration and Settlement here, no one of which could warrant so strange a Pretension. That these were effected at the expense of our own Blood and Treasure, unassisted by the Wealth or the Strength of Great Britain; that in constituting indeed, our Several Forms of Government,

Nor have we been wanting in attentions to our British brethren. we have warned them from time to time of attempts by their legislature to extend a[5] an unwarrantable jurisdiction over [these our states] us. we have reminded them of the circumstances of our emigration & settlement here, [no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several

[1] Against this word Jefferson has written "Dr. Franklin."
[2] MS. B. reads "injury."
[3] MS. A. reads "scarcely."
[4] MS. A. reads "so undisguised."
[5] This word should have been stricken out.

we had adopted one common King, thereby laying a Foundation for Perpetual League and Amity with them; but that Submission to their Parliament, was no Part of our Constitution, nor ever in Idea, if History may be credited; and we appealed to their Native Justice and Magnanimity, as well as to the Ties of our common Kindred to disavow these usurpations, which were likely to interrupt our Correspondence and Connection. They too have been deaf to the Voice of Justice and of Consanguinity, and when occasions have been given them by the regular Course of their Laws of removing from their Councils, the Disturbers of our Harmony, they have by their free Election, re-established them in Power. At this very Time too, they are permitting their Chief Magistrate to send over not only soldiers of our common Blood, but Scotch and foreign Mercenaries, to invade and deluge us in Blood. These Facts have given the last Stab to agonizing affection, and manly Spirit bids us to renounce forever these unfeeling Brethren. We must endeavour to forget our former Love for them, and to hold them, as we hold the rest of Mankind, enemies in War, in Peace Friends. We might have been a free and a great People together

forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea if history may be credited: and] we have appealed to their native justice & magnanimity, [as well as to] & we have conjured them by the ties of our common kindred to disavow these usurpations which [were likely to] would inevitably interrupt our connection & correspondence ~~& connection.~~ they too have been deaf to the voice of justice & of consanguinity, [& when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries, to invade & ~~deluge us in blood~~ destroy us.[1] these facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have

[1] Against these two words Jefferson has written "Dr. Franklin."

out a Communication of Grandeur and of Freedom it seems is below their Dignity. Be it so, since they will have it: The Road to Happiness and to Glory is open to us too; we will climb it, apart from them, and acquiesce in the Necessity which denounces our eternal Separation.

been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so since they will have it: the road to ~~glory &~~ happiness & to glory is open to us too; we will ~~climb~~ ~~must~~ tread it ~~in a separately state~~ apart from them, and] we must therefore acquiesce in the necessity which ~~pro~~ denounces our ~~everlasting Adieu!~~ [~~eternal~~] separation, and hold them as we hold the rest of mankind enemies in war, in peace friends!

We therefore the representatives of the United States of America in General Congress assembled, do, in the Name, and by the Authority of the good People of these States, reject and renounce all Allegiance and Subjection to the Kings of Great Britain, and all others, who may hereafter claim by, through, or under them; we utterly dissolve and break off, all political Connection which may have heretofore subsisted between us and the People or Parliament of Great Britain, and finally we do assert and declare these Colonies to be free and independent States, and that as free and independent States they shall hereafter have Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other

We therefore the representatives of the United States of America in General Congress assembled appealing to the supreme judge of the world for the rectitude of our intentions do in the name & by authority of the good people of these [states] colonies, [reject and renounce all allegiance & subjection to the kings of Great Britain[1] & all others who may hereafter claim by, through, or under them; we utterly dissolve ~~& break off~~ all political connection which may ~~have~~ heretofore have subsisted between us & the people or parliament[2] of Great Britain; and finally we do assert and declare these colonies to be free and independant states, and that as free & independant states, they ~~shall~~

[1] Against this paragraph Jefferson wrote "a different phraseology inserted."
[2] MS. B. reads "parliament or people."

Acts and Things which independent States may of Right do. And for the Support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honour.

~~hereafter~~ have full power to levy war conclude peace, contract alliances, establish commerce, & to do all other acts and things which independant states may of right do. And for the support of this declaration] we mutually pledge to each other our lives, our fortunes, & our sacred honour.

A petition from Christopher Champlin was presented to Congress and read:

Resolved, That it be referred to a committee of three:

The members chosen, Mr. [Robert] Morris, Mr. [John] Alsop, and Mr. [Elbridge] Gerry.

Resolved, That Mr. [Henry] Wisner, Mr. [Robert Treat] Paine, and Mr. [William] Floyd be a committee to confer with Anthony Mosengeil, on the subject of manufacturing sulphur:

That 30 dollars be advanced to said committee, they to be accountable.

Resolved, That the treasurers be empowered to advance to the committee of safety of Pensylvania a sum not exceeding 100,000 dollars; the colony of Pensylvania to be accountable.

Resolved, That the committee for superintending the treasury, be directed to nominate and appoint six persons to sign and number the million of dollars ordered to be struck in small change.

The several matters to this day referred, being postponed,

Adjourned to 9 o'Clock on Monday next.

MONDAY, JULY 1, 1776

Sundry letters were laid before Congress and read, viz.

One from General Washington, June 27, 1776, accompanied with one from General Ward, of the 20 of same month, to General Washington

One from General Schuyler, 25 June, to do.

One from General Arnold, 25 June, " "

One from General Sullivan to General Schuyler

3 to General Sullivan viz:

One from General Arnold, Chamble, June 13,

One from Lieut Colonel Antill, June 13,

And, one from Colonel Hazen, June 13;

Another letter from General Washington of the 28 June, enclosing sundry papers:

A third letter from General Washington of the 27th, by an Officer who attended to guard Major Rodgers to Philadelphia.

A Letter from the Convention of New Jersey, of the 29th June, and also, from Mr. Tucker, enclosing a letter from two prisoners at Burlington:

A letter from the convention of New Hampshire 17 June:[1]

A letter from Brigadier General Lewis from Williamsburg, June 17, with some memorandums from Brigadier H. Mercer:

A letter from B[enjamin] Harrison, jun. deputy pay master general of the southern department, with a return of his account to the 22d June.

[1] These letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 103, 115, 123. Two of them are printed in *Writings of Washington* (Ford), IV, 181, 184. The following locations are to be noted: Schuyler [June 19], in No. 153, II, folio 218; Sullivan [June 19], in No. 153, II, folio 214; Antill, in No. 78, I, folio 5; Hazen, in No. 78, XI, folio 61; New Jersey convention in No. 68, folio 155; Tucker, in No. 78, XXII, folio 63; New Hampshire convention, in No. 64, folio 9.

Resolved, That an order for 6,000 dollars be drawn on the treasurers, in favour of Mr. Richard Graham, of Virginia, in full of a draught in his favour of the 20th of June, by Brigadier General Lewis; and that the same be charged to the account of the [Benjamin Harrison,] deputy pay master general for the southern department.

A resolution of the convention of Maryland, of the 28 June, was also laid before Congress and read, wherein it is resolved:

IN CONVENTION, *28 June 1776.*

Resolved, Unanimously, That the Instructions given by the Convention December last, (and renewed by the Convention in May,) to the Deputies of this Colony in Congress, be recalled, and the Restrictions therein contained, removed; and that the Deputies of this Colony, attending in Congress, or a Majority of them or of any three or more of them, be authorized and empowered to concur with the other United Colonies, or a Majority of them, in declaring the United Colonies free and independent States; in forming such further Compact and Confederation between them; in making foreign Alliances, and in adopting such other Measures as shall be adjudged necessary for securing the Liberties of America; and this Colony will hold itself bound, by the Resolutions of a Majority of the United Colonies, in the Premises; Provided, the sole and exclusive Right of regulating the internal Government and Police of this Colony be reserved to the People thereof.

Extract from the Minutes,

G. DUVALL,
Clerk.

The order of the day being read,

Resolved, That this Congress will resolve itself into a committee of the whole, to take into consideration the resolution respecting independency:

Resolved, That the Declaration be referred to said committee.

The Congress resolved itself into a committee of the whole. ||After some time,|| the president resumed the chair. Mr. [Benjamin] Harrison reported, that the committee have had under consideration the matters referred

to them, and have agreed to the resolution, which they ordered him to report, and desired him to move for leave to sit again.[1]

The resolution agreed to by committee of the whole being read, the determination thereof was postponed, at the request of a colony, till to morrow.

Resolved, That a Brigadier General, acting in a separate department, be allowed an aid de camp.

A letter of the 29 from General Washington was laid before Congress and read.[2]

Resolved, That the letters this day received, be referred to the Board of War.

Resolved, That this Congress will, to Morrow, resolve

[1] A letter from the Provincial Congress of New York to the New York Delegates, dated June 11, against their authority to vote for independence, was read before the Congress in Committee of the Whole. The letter is in the *Papers of the Continental Congress*, No. 67, I, folio 228.

The vote of the Maryland Convention was laid before Congress this day, "just as we were entering on the great debate; that debate took up most of the day, but it was an idle mispense of time, for nothing was said but what had been repeated and hackneyed in that room before a hundred times for six months past. In the Committee of the Whole, the question was carried in the affirmative, and reported to the House. A Colony desired it to be postponed until to morrow, when it will pass by a great majority, perhaps with almost unanimity; yet I cannot promise this, because one or two gentlemen may possibly be found who will vote point blank against the known and declared sense of their constituents." *John Adams to Samuel Chase*, 1 July, 1776.

"I am told that Maryland insists upon one of our delegates having in a manner promised when the point of declaring independence was in debate, that the back lands should be a fund for supporting the war. I have [heard] that a rhetorical expression to that purpose was used by a gentleman on that occasion. [But we] can balance that that account at least by a very serious question more in point, debated in Congress in 1775, when the delegates from Pennsylvania and Virginia proposed that a garrison of 400 men be raised and kept at common expense at Pittsburg to awe the Indians. It was warmly opposed from Maryland upon this ground, that it was a [scheme] of those two States merely to guard their own frontiers in which the others were not concerned, and therefore the expense must be incurred by the former. Their objections prevailed, the motion was rejected, and the two States raised the 200 men [each for] that service soon afterwards." *Edmund Pendleton to James Madison, 25 September, 1780.*

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 135. It is printed in *Writings of Washington* (Ford), IV, 194.

itself into a committee of the whole, to take into their farther consideration the declaration respecting independence.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, JULY 2, 1776

Sundry letters were laid before Congress, and read, viz:

One from General Washington, of the 30 of June, enclosing an extract of a letter from General Ward, of the 23d of said month; a copy of a letter of the 19th from Lieutenant Colonel Campbell to General Howe; a copy of an anonymous letter dated Watertown, 21 of the same month:[1]

One from the council of Massachusetts bay[2] of the 26th: and

One from Governor Trumbull of the 20th of the same month.

A letter from the pay master general, with a return of his weekly account:

Ordered, That the last with the weekly account be delivered to Board of Treasury:

Ordered, That the letter from Lieutenant Colonel Campbell to General Howe, be published:

Resolved, That the other letters be referred to the Board of War and Ordnance.

The Congress resumed the consideration of the resolution agreed to by and reported from the committee of

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 139. It is printed in the *Writings of Washington* (Ford), IV, 196. The copy of Campbell's letter is not with it.

[2] The letter from the Council of Massachusetts Bay is in the *Papers of the Continental Congress*, No. 65, I, folio 89. That of Governor Trumbull is in No. 66, I, folio 189.

the whole; and the same being read, was agreed to as follows:

Resolved, That these United Colonies are, and, of right, ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them, and the state of Great Britain, is, and ought to be, totally dissolved.[1]

Agreeable to the order of the day, the Congress resolved itself into a committee of the whole; ||and, after some time,|| the president resumed the chair. Mr. [Benjamin] Harrison reported, that the committee have had under consideration the declaration to them referred; but, not having had time to go through ||the same,|| desired leave to sit again:

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the declaration on independence.

The Congress being informed, that, in obedience to their order, Captain Whipple and Captain Saltonstal were come to Philadelphia; Whereupon,

Resolved, That the Marine Committee be directed to enquire into the complaints exhibited against them, and report to Congress.

||Adjourned to 9 o'Clock to Morrow.||

WEDNESDAY, JULY 3, 1776

A letter from the convention of New Jersey, dated 2 July; and a letter from the commissioners of Indian affairs in the southern department, dated Augusta, 21 May, together with an account of their expences, and the min-

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 23, folio 17.

utes of their conference with the Indians in that department, ||were laid before Congress, and read:|| [1]

Resolved, That the account of the commissioners be referred to the Board of treasury.

The Congress took into consideration the letter from the convention of New Jersey; Whereupon,

Resolved, That the committee of safety of Pensylvania be requested to send as many of the troops of their colony as they can spare, to Monmouth county, in New Jersey, to the assistance of the inhabitants of that colony, and to be subject to the orders of the commander in chief; the said troops to be allowed the same pay and rations as the troops in the service of the continent, from the time of their march until they return:

Resolved, That a circular letter be written to the committees of inspection of the several counties in Pennsylvania, where troops are raised, or raising, to form the flying camp, requesting them to send the troops by batallions, or detachments of batallions, or companies, as fast as raised, to the city of Philadelphia, except those raised in the counties of Bucks, Berks, and Northampton, which are to be directed to repair, as aforesaid, to New Brunswick, in New Jersey:

Resolved, That a copy of the foregoing resolutions be sent to General Washington, and that he be directed to appoint a proper officer to the command of the flying camp, and also direct proper persons to supply the men with rations.

Resolved, That the Marine Committee be empowered to contract with shipwrights, to go to Lake Champlain, on the following terms:

To allow each man at the rate of 34 dollars and two-

[1] The letter from the Convention [Provincial Congress] of New Jersey is in the *Papers of the Continental Congress*, No. 68, folio 161.

thirds per month; one month's pay to be advanced, upon their giving security, if required:

Each man to be allowed one ration and a half, and one half pint of rum, a day:

Their tools and arms to be valued:

Two-thirds of their wages to be paid, monthly, to whomever they shall leave the power of receiving it:

Their pay to commence from the day they sign articles, and continue until they are discharged, with an allowance of one day's pay for every twenty miles, between the place where discharged, and their respective homes.

Resolved, That Dr. [Benjamin] Franklin and Mr. [James] Wilson, two of the commissioners for Indian affairs in the middle department, be authorized to discharge the bills drawn by Mr. Morgan on the commissioners of that department.

Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their farther consideration, the Declaration; ||and, after some time,|| the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee, not having finished, desired leave to sit again.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration, the Declaration.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JULY 4, 1776

Resolved, That an application be made to the committee of safety of Pensylvania for a supply of flints for the troops at New York: and that the colony of Maryland and Delaware be requested to embody their militia for the flying camp, with all expedition, and to march them, without delay, to the city of Philadelphia.

Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their farther consideration, the declaration; ||and, after some time,|| the president resumed the chair. Mr. [Benjamin] Harrison reported, that the committee of the whole Congress have agreed to a Declaration, which he delivered in.

The Declaration being again read, was agreed to as follows:

The unanimous Declaration of the thirteen United States of America.

When, in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these, are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That, whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such Principles, and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shewn, that

mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of People, unless those People would relinquish the right of Representation in the legislature; a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole Purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the People.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of Peace, Standing Armies, without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us, in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring province, establishing therein an Arbitrary government, and enlarging its Boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his protection, and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens, taken Captive on the high Seas, to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions, We have Petitioned for Redress, in the most humble terms: Our

repeated Petitions, have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which, would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, DO, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right, ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connexion between them and the State of Great Britain, is and ought to be totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. AND for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge

to each other our Lives, our Fortunes, and our sacred Honour.

||The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:||[1]

JOHN HANCOCK.

JOSIAH BARTLETT.
W^M WHIPPLE.
SAM^L ADAMS.
JOHN ADAMS.
ROB^T TREAT PAINE.
ELBRIDGE GERRY.
STEPH. HOPKINS.
WILLIAM ELLERY.
ROGER SHERMAN.
SAM^EL HUNTINGTON.
W^M WILLIAMS.
OLIVER WOLCOTT.
MATTHEW THORNTON.
W^M FLOYD.
PHIL LIVINGSTON.
FRAN^S LEWIS.
LEWIS MORRIS.
RICH^D STOCKTON.
JNO WITHERSPOON.
FRA^S HOPKINSON.
JOHN HART.
ABRA CLARK.
ROB^T MORRIS.
BENJAMIN RUSH.
BENJ^A FRANKLIN.
JOHN MORTON.
GEO CLYMER.
JA^S SMITH.
GEO. TAYLOR.
JAMES WILSON.
GEO. ROSS.
CÆSAR RODNEY.
GEO READ.
THOS M:KEAN.
SAMUEL CHASE.
W^M PACA.
THO^S STONE.
CHARLES CARROLL of Carrollton.
GEORGE WYTHE.
RICHARD HENRY LEE.
TH. JEFFERSON.
BENJ^A HARRISON.
THO^S NELSON, Jr.
FRANCIS LIGHTFOOT LEE.
CARTER BRAXTON.
W^M HOOPER.
JOSEPH HEWES.
JOHN PENN.
EDWARD RUTLEDGE.
THO^S HEYWARD, Junr.
THOMAS LYNCH, Junr.
ARTHUR MIDDLETON.
BUTTON GWINNETT.
LYMAN HALL.
GEO WALTON.

[1]The text used is that of the engrossed original in the Department of State.

Ordered, That the declaration be authenticated and printed.

That the committee appointed to prepare the declaration, superintend and correct the press.

That copies of the declaration be sent to the several assemblies, conventions and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.[1]

Ordered, That Mr. [Robert] Morris and Mr. [Joseph] Hewes determine the hire of Mr. Walker's vessel, which was employed by Commodore Hopkins in the service of the continent.

A Letter from General Washington, dated New York, July 3d, was laid before Congress, and read:[2]

Resolved, That the delegates of New York, New Jersey and Pensylvania, be a committee to confer with the committee of safety of Pensylvania, and committee of inspection of [and observation for] the city and liberties of Philadelphia, and the field officers of the batallions of the said city and liberties, on the best means of defending the colonies of New Jersey and Pensylvania; and that they be empowered to send expresses where necessary:

That the Secret Committee be instructed to order the flints belonging to the continent, and now at Rhode Island, to be sent to the general at New York.

[1] "A determined resolution of the Delegates from some of the Colonies to push the question of Independency has had a most happy effect, and after a day's debate, all the Colonies, except New York, whose Delegates are not empowered to give either an affirmative or negative voice, united in a declaration long sought for, solicited, and necessary—the Declaration of Independency." *Elbridge Gerry to General Warren*, 5 July, 1776.

The Declaration was printed in the *Pennsylvania Evening Post*, 6 July, 1776, and in the *Pennsylvania Gazette*, 10 July, 1776. See the *Bibliographical Notes* at the end of this year.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 149. It is printed in *Writings of Washington* (Ford), IV, 200.

Resolved, That Mr. [Henry] Wisner be empowered to send a man, at the public expence, to Orange county, for a sample of flint stone.

The Congress proceeded to the appointment of two commissioners for Indian affairs in the middle department; and, the ballots being taken,

Jasper Yeates and John Montgomery, Esqrs. were elected.

That Dr. [Benjamin] Franklin and Mr. [James] Wilson are desired to inform the above gentlemen of their appointment, and desire them to attend the treaty with the Indians at Pittsburg, on the day appointed; They are farther desired to appoint some persons to procure goods necessary for the Indians.

Resolved, That to morrow be assigned for filling up the vacancies in the committee for Indian affairs.

That the president be empowered to employ another ||private|| secretary.

Resolved, That the Board of War be empowered to employ such a number of persons, as they shall find necessary, to manufacture flints for the continent; and, for this purpose, to apply to the respective assemblies, conventions and councils, or committees of safety of the United American States, or committees of Inspection of the counties and towns thereunto belonging, for the names and places of abode of persons skilled in the manufactory aforesaid, and of the places, in their respective states, where the best flint stones are to be obtained, with samples of the same.[1]

Resolved, That an order for 27/=3 54/90ths dollars, be drawn on the treasurers, in favour of the express, who brought despatches from Trenton.

Resolved, That Dr. [Benjamin] Franklin, Mr. J[ohn] Adams and Mr. [Thomas] Jefferson, be a committee, to

[1] Printed in the *Pennsylvania Gazette*, 10 July, 1776.

bring in a device for a seal for the United States of America.

Resolved, That the Secret Committee be instructed to sell 25 lb. of powder to John Garrison, of North Carolina.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 5, 1776

A letter from Captain Crawford, a prisoner of the 26th regiment, was read, requesting leave to visit the prisoners in the several places where they are confined:

Resolved, That, in the present situation of affairs, such leave be not granted.

The committee on ways and means, brought in a report, which was read:

Ordered, To lie on the table.

The accounts and vouchers of Mr. Price being laid before Congress,

Resolved, That the same be referred for adjustment to the Board of Treasury.

The Board of War brought in a report: Whereupon,

Resolved, That a regiment be raised out of the officers who served in Canada, on the same terms on which the regiment, to be commanded by Colonel Dubois, is to be raised; and that the following persons be appointed officers of the said regiment:

Seth Warner, colonel:

Samuel Safford, lieutenant colonel:

Elisha Painter, major:

Wait Hopkins, John Grant, Gideon Brownson, Abiather Angel, Simeon Smith, Joshua Stanton, [Abner] Seely, Jacob Vorsboroug, captains; John Allen, [John] Fusset [Fassett, Jr.], [Ebenezer] Walbridge, [William] Deane,

James Gold, ——— Sill Ebenezer Hide, Gamaliel Painter, first lieutenants;

Ebenezer Beaumont, adjutant.

Resolved, That the president write to Governor Cooke, requesting him to order fifty ship carpenters to be engaged, on the best terms, at the expence of the continent, and sent to General Schuyler at Albany, as soon as possible, in order to build vessels for the defence of the lakes.

The committee of Congress, appointed to confer with the committee of safety of Pensylvania, and the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of the five batallions of the said city, ~~on the 5th day of July, their report was read, Whereupon~~ reported, that they have met ||had a meeting with the committees and officers aforesaid,|| and have agreed to the following resolutions, viz.

That all the associated militia of Pensylvania, (excepting the counties of Westmoreland, Bedford and Northumberland) who can be furnished with arms and accoutrements, be forthwith requested to march, with the utmost expedition, to Trenton, (except the militia for Northampton county, who are to march directly for New Brunswick) in New Jersey; and that the said militia continue in service, until the flying camp, of ten thousand men, can be collected to relieve them, unless they shall be sooner discharged by Congress:

That the militia march by companies to the place of rendezvous:

That the said militia be taken into continental pay, and receive the same pay, allowances and rations, with the continental troops, from the time they begin their march, until they return to their respective homes:

That those of the three batallions of the Pensylvania troops, now remaining in the ~~province~~ State, be ordered to march immediately for New Brunswick, in New Jersey:

That the committee of safety of Pensylvania provide as many tents as they can for the said militia:

That the committees of inspection and observation, in the several counties, furnish a good kettle to every six men, and give all the assistance in their power, that the said militia be well armed and equipped, and march with the greatest expedition:[1]

That the committees of inspection for the several counties of Pensylvania, be desired to order such troops as they may raise for the flying camp, to be marched to Trenton; the resolve of Congress passed yesterday to march them to Philadelphia notwithstanding; Whereupon,

Resolved, That this Congress highly approve the foregoing resolutions, and recommend it to the good people of Pensylvania, to carry the same into execution with the same laudable readiness, which they have hitherto manifested in supporting the injured rights of their country.

Resolved, That an order issue to Colonel Hazlet, of the batallion in Delaware government, to station one company at Lewistown, and to march the remaining seven companies of his batallion to Wilmington, and there remain until further order of this Congress.

Resolved, That the commissioners for Indian affairs in the southern department, while on actual service, receive four dollars a day.

[1] To this point the resolutions were based upon the report of the conference signed by Thomas McKean, chairman. The next two paragraphs were prepared in Congress. The resolutions were printed in the *Pennsylvania Gazette*, 10 July, 1776.

The committee on the treasury reported, that there is due,

To John Walker, Esq. commissioner of Indian affairs in the southern department, the sum of 869 67/90 dollars, for several horses, a waggon and guns, and expences in travelling 2500 miles.

Ordered, That the same be paid.

The committee appointed to consider the state of Georgia, brought in their report, which was taken into consideration; Whereupon,

Resolved, That for the defence of the colony of Georgia, there be an addition of two batallions, (one of them to consist of rifflemen) to be raised on the same terms on which other continental batallions are now ordered to be raised:

Resolved, That blank commissions for the field officers be sent to the convention of Georgia, to be filled up with the names of such persons as the said convention shall judge proper:

Resolved, That it be recommended to the assemblies, conventions or councils of safety of the colonies of Virginia, North and South Carolina, to permit the raising troops, for the purpose aforesaid, within their respective colonies [states]; and, if requested, to afford their advice and assistance, with regard to suitable persons in the said colonies for captains and subalterns, and that blank commissions be delivered to the delegates:

Resolved, That four gallies be built at the expence of the United States, under the direction of the convention of Georgia, for the further defence of said colony [state]:

And whereas the delegates of said colony of Georgia have represented to the said committee, that it will be necessary that two forts be erected in the said colony, the one at Savannah and the other at Sunbury:

Resolved, That two companies of artillery be raised, consisting of fifty men each, officers included, for the purpose of garrisoning such forts, in case they shall be erected, at the expence of the said colony; and that blank commissions be delivered to the delegates for the officers, to be filled up by the assembly or convention of said colony [state].

Resolved, That General Washington be empowered, if he shall judge it adviseable, to order three of the fullest regiments, stationed in Massachusetts bay, to be immediately marched to Ticonderoga; and that an equal number of the militia of that state, be taken into pay, and embodied for its defence, if the government of Massachusetts bay judge it necessary.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mr. John Coburne, who has acted as assistant conductor of military stores in Canada, and has produced certificates of his having done his duty in that station, be allowed lieutenant's pay, from the first day of March to the first day of June last:

That a chaplain be appointed to each regiment in the continental army, and their allowance be encreased to thirty three dollars and one third of a dollar a month:

Resolved, That immediate steps be taken, in the several colonies, to procure lead:

Resolved, That the post master general be directed immediately to have expresses established between this city and New York, and that General Washington be desired to send off despatches to Congress every day:

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Secret Committee be directed to send forthwith to General Lewis, at Williamsburgh, five

tons of powder, for the use of the troops in the southern department, part of which to be forwarded to South Carolina:

Resolved, That the British officers and soldiers who are prisoners, and now in New Jersey, be sent from thence to the town of York, in Pensylvania, and that the convention, or committee of safety of New Jersey, be requested to carry this resolve into immediate execution:

Resolved, That four companies of the militia be directed to remain in Philadelphia, to guard the continental stores in that city.

||The matters to this day referred, being postponed,||

Adjourned to 9 o'Clock to Morrow.

SATURDAY, JULY 6, 1776

A letter of the 5th from the convention of New Jersey, was received and read.[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mr. Carpenter Wharton be appointed commissary, to supply [with rations] the militia who are immediately to march from Pensylvania to New Jersey, until the commissary general shall order otherwise:

That William Sherman, Junr be appointed pay master of Colonel Warner's regiment:

That Major Rogers be sent to New Hampshire, to be disposed of as the government of that state shall judge best.

Sundry letters were received and read, viz.

One from General Washington 4th and 5 July:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 68, folio 169.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 159. It is printed in *Writings of Washington* (Ford) IV, 204.

One from General Schuyler to General Washington dated 1 July;

One from General Sullivan to General Schuyler dated 24th June:

Resolved, That said letters be referred to the Board of War and Ordnance.

Resolved, That an order issue to the agents in Massachusetts bay and Rhode Island, to send the arms taken out of the Scotch transports, to General Washington, at New York.

Resolved, That a copy of a letter received from T. Green be forwarded to General Washington, and that he be desired to send for such parts of the stores therein mentioned, as he shall think proper.

Application being made by William Kelsay, who has raised a company in Jersey, for a sum of money to bear the expence of said company to New York,

Ordered, That Mr. J. Mease commissary, advance one month's pay to Captain Kelsay, for the use of said company; he to be accountable.

The Congress proceeded to the election of members for the committee on Indian affairs, in the room of those absent; and, the ballots being taken, Mr. [Thomas] Jefferson, Mr. P[hilip] Livingston, and Mr. [Samuel] Huntington were elected.

Resolved, That Col. [William] Floyd, Mr. [Cæsar] Rodney, and Mr. [Abraham] Clark, be added to the committee to enquire into the miscarriages in Canada.

Resolved, That the Secret Committee be directed to deliver one ton of powder to the convention of New York; they to be accountable:

That General Schuyler be directed to collect and to audit the public accounts of the late General Montgomery, and to include his pay and the allowance for his table in the adjustment.

The Board of Treasury laid before Congress an account of James Warren, Esqr late pay master general of the United Colonies; Whereupon,

Resolved, That the following allowances be made,

For assistants, from July 27, 1775, to 4th May, 1776, 276 dollars:

For sundry articles purchased for the use of the office in New York, 3 49/72 dollars:

For horse hire to William Wynthrop, Esqr and for his attendance and expences in Philadelphia, 100 dollars:

Ordered, That Mr. Warren pay the balance remaining in his hands to Ebenezer Hancock, Esqr deputy pay master general for the eastern department.

Adjourned to 9 o'Clock on Monday.

MONDAY, JULY 8, 1776

Sundry letters were received and read: viz.

One of the 4th from General Washington, one of the 6th July from the convention of New Jersey.[1]

Resolved, That the Secret Committee be directed to send four tons of powder, and a sufficient quantity of cartridge paper, to General Mercer, for the use of the flying camp.

Resolved, That an order for 20,000 dollars be drawn on the treasurers, in favour of James Mease; he to be accountable.

A letter of this day from Mrs. Connolly was laid before Congress,[2] and read:

Resolved, That it be referred to the committee of safety of Pensylvania, and that it be recommended to the said

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 153. It is printed in *Writings of Washington* (Ford), IV, 204. That of the convention of New Jersey is in No. 68, folio 175. On this day were read the following letters, of which no record was made on the Journals: From the Committee of Northampton County, July 6, in No. 69, I, folio 151; and from the Committee of Reading, same date, in same volume, folio 155.

[2] This letter, dated July 8, is printed in *Pennsylvania Archives*, First Series, IV, 782.

committee, to make proper provision for Mrs. Connolly, till farther order of Congress.

Resolved, That an order issue to the commanding officer of the militia ||military associators|| of Philadelphia, not to order Captain Peters out of the city, as his service ||and attendance|| is necessary in the war office.

Resolved, That the post masters, while in office, be excused from all military duty.

A letter from the convention of Maryland of the 4th, enclosing resolutions for raising three thousand four hundred men for the flying camp, was laid before Congress and read:[1]

Resolved, That Major General Gates be informed, that it was the intention of Congress to give him the command of the troops whilst in Canada, but had no design to vest him with a superior command to General Schuyler, whilst the troops should be on this side Canada; and that the president write to Major General Schuyler and Major General Gates, stating this matter, and recommending to them to carry on the military operations with harmony, and in such manner as shall best promote the public service:[2]

Resolved, That a copy of the foregoing resolution be transmitted to General Washington.

The committee of safety of Pensylvania, having recommended Daniel Burkhard, George Hubley, Jacob Bunner and Benjamin Weiser, to be captains to the four companies of Germans to be raised in that state,

Resolved, That the said gentlemen be approved, and that commissions be granted to them accordingly.

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 33. The resolves were adopted June 25.

[2] This was to quiet a difference of opinion between Schuyler and Gates with regard to the command of the army in the Northern Department.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That General Washington be vested with discretionary power to call to his assistance, at New York, such of the continental regiments in the Massachusetts bay, as have not already received orders to march to Ticonderoga; and that the general court of that province [state] be requested to supply their places with militia, if they think it expedient:

That General Washington have permission to call forth and engage in the service of the United States, so many indians of the St. Johns, Nova Scotia and Penobscot tribes, as he shall judge necessary and that he be desired to write to the general court of the Massachusetts bay, requesting their aid in this business, and informing them that Congress will reimburse such expences as may be necessarily incurred in consequence of the foregoing resolutions.

That the commissary general have full power to supply both armies, that upon the lakes as well as that at New York; and also to appoint and employ such persons under him, and to remove any deputy commissary, as he shall judge proper and expedient; it being absolutely necessary, that the supply of both armies should be under one direction.

The Congress then proceeded to the choice of a deputy quarter master general for the flying camp; and, the ballots being taken, and examined,

Clement Biddle was elected deputy quarter master general for the flying camp, and for the militia of Pensylvania and New Jersey, ordered to rendezvous at Trenton.

Resolved, That to morrow be assigned for the election of a deputy muster master general for the flying camp and militia aforesaid.

Resolved, That the committee for providing medicines, be directed to supply the militias aforesaid, with a sufficient quantity of suitable medicines.

Resolved, That an order for 60,000 dollars be drawn on the treasurers, in favour of the delegates of Georgia, for the use of the continental batallions; the colony ||state of Georgia|| to be accountable.

Resolved, That General Washington be empowered to appoint suitable places of rendezvous for the new batallions raising for Canada, and communicate the same to the assemblies of New Hampshire, Massachusetts bay, Connecticut and New York; also, to issue his orders for supplying the men with rations, tents, a month's advance pay, and other necessaries.

Resolved, That Mr. Mease be directed to advance one month's pay to such of the militia ~~of Pensylvania, marching to Trenton~~ as will engage to serve in the flying camp.

Resolved, That an order for 5,000 dollars be drawn on the treasurers, in favour of Mr. George Evans, contractor for supplying the Delaware batallion; he to be accountable.

A letter of the 5, from the committee of safety of Sussex in Delaware government, with sundry papers enclosed, was laid before Congress, and read:[1]

Resolved, That the same be referred to the delegates of Maryland and Delaware.

Adjourned to 9 o'Clock to Morrow.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 581.

[2] "A paper has been privately laid on the Congress table, importing that some dark designs were forming for our destruction, and advising us to take care of ourselves. Some were for examining the cellars under the room where we sit. I was against it, and urged that we ought to treat such information with contempt, and not show any mark of fear or jealousy. I told some of them I had almost as soon be blown up as to discover to the world that I thought myself in danger. No notice has been taken of this piece of information, which I think is right." *Joseph Hewes to Samuel Johnston*, 8 July, 1776.

TUESDAY, JULY 9, 1776

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Abraham Sheppard be appointed captain, Samuel Finley, first lieutenant, William Kelly, second lieutenant, Henry Bedinger, third lieutenant, of the Virginia riffle company: and that the delegates of Virginia be empowered to write to the several county committees in that state, where they think it most proper and probable for the men to be raised, requesting the said committees to recommend officers for the appointment of Congress, to fill up Colonel Stevenson's regiment; the officers so recommended, to have power immediately to inlist their men, and commissions to be sent them as soon as possible, and that 7,000 dollars be paid into the hands of Colonel Stevenson, for bounty money, and other regimental expences:

That ||a farther sum of|| 5,000 dollars be paid into the hands of ~~the delegates of Virginia~~ said Colonel Stevenson, and 2,500 dollars to the delegates of Maryland, for the account of the said regiment; they to be accountable.

Resolved, That Mr. Palfrey, late aid de camp of General Washington, have the rank of lieutenant colonel in the continental army.

The Congress proceeded to the election of a deputy muster master general for the flying camp, and militia ordered to rendezvous at Trenton; and, the ballots being taken,

Jonathan B. Smith was elected.

Resolved, That an order for 10,000 dollars be drawn on the treasurers, in favour of the Committee of Secret Correspondence, for the purchase of two vessels; they to be accountable.

The committee to whom the petition of William Poole was referred, brought in their report: Whereupon,

Resolved, That 20 dollars be paid to the said William Poole for his present support, till regulations are made for the relief of disabled soldiers.

Resolved, That the Rev. Mr. J. Duché be appointed chaplain to Congress, and that he be desired to attend every morning at 9 o'Clock.

Resolved, That the committee of safety of Pensylvania release Allan M'Donald, of Kingsborough, a prisoner in the gaol of Philadelphia, on his parole, and that, upon his signing his parole, he be treated agreeable to former resolutions of Congress.

Resolved, That a committee be appointed to settle a cartel for exchange of prisoners:

The members chosen, Mr. [Carter] Braxton, Mr. [James] Wilson, and Mr. [Benjamin] Harrison.

Resolved, That such of the militia as are employed in making gun locks, and such as are employed in making cannon and powder, be detained from marching on the present occasion to New Jersey.[1]

Resolved, That five of the committee, appointed to enquire into the cause of the miscarriages in Canada, be a quorum to proceed to business.

The Committee on the Treasury, to whom the claims of John Walker and Willie Jones, Esqrs. commissioners for Indian affairs for the southern department, were referred, reported, that there is due,

To John Walker, Esqr for 139 days he was employed in the southern department, at the rate of 4 dollars a day, 556 dollars:

To Willie Jones, Esq. for his expences attending Indian

[1] Printed in the *Pennsylvania Evening Post*, 11 July, 1776, with the following addition, "in consequence of the resolution of the sixth instant."

affairs at Salisbury, and travelling to sundry places, 250 dollars, and for 95 days on duty, at 4 dollars a day, 380 dollars:[1]

Ordered, That the said account be paid.

A memorial from Ludwick Karcher, was laid before Congress, and read:

Resolved, That it be referred to the Board of War.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JULY 10, 1776

Resolved, That one month's pay be advanced to the militia of Pensylvania, ordered to march to Trenton, the same to be paid after the men are mustered.

That Mr. Mease be directed to deliver to Mr. Biddle, the deputy quarter master general for the flying camp, and militia, such tents, and other articles as he has belonging to the continent, and which may be wanted for the militia and flying camp.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That the committee of Lancaster be empowered and directed, to keep a guard over the prisoners, in the barracks of that borough, and to surround the said barracks with a stockade fort:

That the privates who are prisoners in the town of Reading, be removed to the borough of Lancaster.

A letter from Ephraim Anderson was laid before Congress, and read:

Resolved, That the president write to General Washington ||on the subject,|| and enclose Mr. Anderson's letter, and that Mr. Anderson be referred to the General.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 1.

[2] This letter is in the *Letters to Washington*, X, folio 181. Anderson was adjutant to the Second New Jersey Battalion.

The committee appointed to draw up rules and orders for the government of this house, brought in their report, which was read:

The Committee appointed to draw up Rules and Orders for the Government of this House ~~beg Leave to report as their Opinion~~ have agreed to the following report:

III. ~~That~~ No Member shall read any printed Paper in the House during the sitting thereof without Leave of the Congress.

VII. ~~That~~ no Member shall speak more than twice in any one Debate without Leave of the House.

IX. ~~That~~ no Motion shall be ~~made~~ debated until the same be seconded.

X. ~~That~~ when a Motion shall be made and seconded it shall be reduced to writing, if desir'd by the President or any Member; delivered in at the Table, and read by the President before the same shall be allowed to be debated.

XI. When a Motion is made and seconded the Matter of the Motion shall receive a Determination by the Question, or be laid aside by general Consent, or postponed by the previous Question, before any other Motion be *received*.

XIV. ~~When the Question is put by the Chair [every Member in the House] colony present shall [give his Voice one way] be counted on one side or the other, unless it's delegates be divided.~~

IV. ~~No Member in coming into the House or in removing from his Place shall pass between the President and the Member then speaking.~~

V. When the House is ~~speaking~~ sitting no Member shall speak [or whisper] to another, so as to interrupt any Member who may be speaking in the Debate.

III. When two Members rise together the President shall name the Person to speak.

II. No Member shall ~~leave~~ depart from the service of the ~~Place~~ House ~~during the sitting thereof~~ without Permission of the ~~House~~ Congress, or order from his constituents. ~~If by the withdrawing of the said Member he shall break the Representation of the Colony from whence the said Member came.~~

XVI. No Person shall be appointed to any office of Profit unless he shall have the Consent of Seven Colonies. Nor shall any Ballot be counted unless the Person for whom the Ballot shall be given be first named to the House, before the balloting be gone into.

VI. ~~Every Person shall speak from his [Chair] seat, and when not speaking shall continue [in his seat] therein.~~ See the Amendment.

XII. ~~If in a debate there arise more Questions than one, and it be controverted which Question shall be first put, the Question first moved and seconded shall be put first, unless it be laid aside by general Consent.~~

XIII. If a Question ~~upon~~ in a Debate contain more parts than one, any Member may have the same divided into as many Questions as parts.[1]

XV. ~~No person shall [enter] walk in the house while the question is putting, nor shall any one give his vote who was not present when the question was put.~~[2]

I. ~~The roll of the house shall be called over by the secretary every day within minutes after the hour to which it was adjourned, before any other thing is done in Congress; and all absentees without leave shall be noted on the roll by the Secretary, and a copy of so much of the said roll as relates to any one colony shall be sent to the Convention or assembly of such colony once in every three months.~~[2]

1. That so soon as nine Colonies are present in the House the House the Congress proceed to Business.[3]

Ordered, To lie on the table.

The standing committee for Indian affairs, brought in a report, which was read:

Ordered, To lie on the table.

Resolved, That the committee for providing medicine chests, be directed to furnish Dr. Allison with a set of instruments, and that the director general be directed to supply him with proper medicines.

The committee, to whom the cartel, between Brigadier

[1] To this point the report is in the writing of Robert Treat Paine.

[2] These paragraphs are in the writing of Thomas Jefferson.

[3] This paragraph is in the writing of John Hancock. The report is in the *Papers of the Continental Congress*, No. 23, folio 19. The numbering of the paragraphs was done between the submission of the report and the acceptance of the rules, which are printed July 17, *post*. In the *Writings of Jefferson* (Ford), II, 60, are printed what are believed to be Jefferson's rough notes of this report. On page 61 of the same volume is a resolution regulating the rotation of delegates to the Continental Congress. It may have been prepared in connection with this report, but no trace of it is discoverable in the *Journals*.

General Arnold and Captain Foster,[1] and the several papers thereto relating, were recommitted, brought in their report, which was read as follows:

That, having made diligent enquiry into the facts, they find, that a party of 390 continental troops, under the command of Colonel Bedel, was posted at the Cedars, about forty three miles above Montreal; that they had there formed some works of defence, the greater part of them picketed lines, the rest a breast work of earth, with two field pieces mounted:

That, on Wednesday the 15 of May, Colonel Bedel received intelligence, that a party of the enemy, consisting of about 600 regulars, Canadians and Indians, were on their way to attack his post, and were then within nine miles of it: that Colonel Bedel, thereon, set out himself for Montreal, to procure a reinforcement; whereupon, the command of the Cedars devolved on Major Butterfield:

That, on Thursday, a reinforcement, under the command of Major Sherburne, marched from Montreal for the Cedars, while a larger detachment should be getting ready to proceed thither with Brigadier General Arnold:

That, on Friday the 17th, the enemy, under the command of Captain Foster, invested the post at the Cedars, and, for two days, kept up a loose, scattering fire; that Major Butterfield proposed, from the very first, to surrender the post, and refused repeated solicitations from his officers and men to permit them to sally out on the enemy:

That, on Sunday afternoon, a flag being sent in by the enemy, Major Butterfield agreed to surrender the fort and garrison to Captain Foster, capitulating with him, whether verbally or in writing does not appear, that the garrison

[1] The proper spelling is Forster.

should not be put into the hands of the savages, and that their baggage should not be plundered:

That, at the time of the surrender, the enemy consisted of about 40 regulars, 100 Canadians, and 500 Indians, and had no cannon; the garrison had sustained no injury from their fire, but the having one man wounded; they had twenty rounds of cartridges a man, 30 rounds for one field piece, five for another, half a barrel of gun powder, 15 lbs. of musket ball, and provisions sufficient to have lasted them twenty or thirty days: Major Butterfield knew that a reinforcement was on its way, and moreover, was so near the main body of the army, that he could not doubt of being supported by that:

That, immediately on the surrender, the garrison was put into the custody of the savages, who plundered them of their baggage, and even stripped them of their clothes;

That Major Sherburne, having landed on Monday the 20th, at Quinze Chenes, about nine miles from the Cedars, and marched on with his party, consisting then of 100 men, to within four miles thereof, was there attacked by about 500 of the enemy: that he maintained his ground about an hour, and then, being constrained to retreat, performed the same in good order, receiving and returning a constant fire for about forty minutes; when the enemy, finding means to post advanced parties in such a manner as to intercept their farther retreat, they also were made prisoners of war:

That they were immediately put into the custody of the savages, carried to where Major Butterfield and his party were, and stripped of their baggage and wearing apparel:

That two of them were put to death that evening, four or five others at different times, afterwards; one of whom was of those who surrendered on capitulation at the Cedars, and was killed on the 8th day after that surrender;

that one was first shot, and, while retaining life and sensation, was roasted, as was related by his companion, now in possession of the savages, who himself saw the fact; and that several others, being worn down by famine and cruelty, were left exposed in an island naked, and perishing with cold and hunger:

That, while Major Sherburne was in custody of the enemy, Captain Foster required of him, and the other officers, to sign a cartel, stipulating the exchange of themselves and their men for as many, of equal condition, of the British troops in our possession; farther, that notwithstanding the exchange, neither themselves nor men should ever again bear arms against the British government; and for the performance of this, four hostages were to be delivered, which, they being under the absolute power of the enemy, did sign:

That on Sunday, the 26th, the prisoners were carried to Quinze Chenes, when it was discovered that General Arnold was approaching, and making dispositions to attack them:

That Captain Foster, having desired Major Sherburne to attend a flag, which he was about to send to General Arnold, for confirmation of the cartel, carried him into the council of Indians, then sitting, who told him "that it was a mercy never before shewn in their wars, that they had put to death so few of the prisoners; but that he must expect, and so inform General Arnold, that they should certainly kill every man who should thereafter fall into their hands:"

That Captain Foster joined in desiring that this bloody message should be delivered to General Arnold; and moreover, that he should be notified, that if he rejected the cartel, and attacked him, every man of the prisoners would be put to instant death:

That General Arnold was extremely averse from entering into any agreement, and was at length induced to do it by no other motive than that of saving the prisoners from cruel and inhuman death, threatened in such terms as left no doubt it was to be perpetrated, and that he did in the end conclude it, after several flags received from Captain Foster, and a relinquishment by him of the unequal article restraining our soldiers from again bearing arms:

That the prisoners, so stipulated to be given up to the enemy, were not in the possession of General Arnold, nor under his direction, but were, at that time, distributed in various parts of the continent, under the orders of this house:

That four hostages were accordingly delivered to Captain Foster, who were immediately plundered and stripped by the savages; and on his part, were delivered 1 major, 4 captains, 16 subalterns, and 355 privates, as specified in a certificate of Captain James Osgood and others, of whom no specification by their names or numbers has yet been transmitted; that he retained 12 Canadians, alleging in his justification, express orders so to do; and that, living in a military government, they were to be considered even in a worse light than deserters from his majesty's armies; these he carried away in irons, but afterwards released: that he permitted the Indians to carry into their countries several others, natives of the United States, for purposes unknown:

That, during the time of their captivity, not half food was allowed the prisoners; they were continually insulted, buffeted, and ill treated by the savages; and when the first parties of them were carried off from the shore to be delivered to General Arnold, balls of mud were fired at them, and at the last parties, musket bullets. Whereupon,

The Congress, came to the following resolutions:

Resolved, That all acts contrary to good faith, the laws of nature, or the customs of civilized nations, done by the officers or soldiers of his Britannic Majesty, or by foreigners or savages taken into his service, are to be considered as done by his orders, unless indemnification be made, in cases which admit indemnification, and in all other cases, unless immediate and effective measures be taken by him, or by his officers, for bringing to condign punishment the authors, abettors, and perpetrators of the act:

That the plundering the baggage of the garrison at the Cedars, stripping them of their cloathes, and delivering them into the hands of the savages, was a breach of the capitulation on the part of the enemy, for which indemnification ought to be demanded:

That the murder of the prisoners of war was a gross and inhuman violation of the laws of nature and nations: that condign punishment should be inflicted on the authors, abettors, and perpetrators of the same; and that, for this purpose, it be required that they be delivered into our hands:

That the agreement entered into by General Arnold was a mere sponsion on his part, he not being invested with powers for the disposal of prisoners not in his possession, nor under his direction; and that, therefore, it is subject to be ratified or annulled, at the discretion of this house:

That the shameful surrender of the post at the Cedars is chargeable on the commanding officer: that such other of the prisoners as were taken there, shewed a willingness and desire to fight the enemy; and that Major Sherburne, and the prisoners taken with him, though their disparity of numbers was great, fought the enemy bravely for a

considerable time, and surrendered at last but on absolute necessity: on which considerations, and on which alone, resolved, that the said sponsion be ratified; and that an equal number of captives from the enemy, of the same rank and condition, be restored to them, as stipulated by the said sponsion:

That, previous to the delivery of the prisoners to be returned on our part, the British commander in Canada be required to deliver into our hands the authors, abettors, and perpetrators of the horrid murder committed on the prisoners, to suffer such punishment as their crime deserves; and also, to make indemnification for the plunder at the Cedars, taken contrary to the faith of the capitulation; and that, until such delivery and indemnification be made, the said prisoners be not delivered:

That, if the enemy shall commit any further violences, by putting to death, torturing, or otherwise ill treating the prisoners retained by them, or any of the hostages put into their hands, recourse be had to retaliation, as the sole means of stopping the progress of human butchery; and that, for that purpose, punishments of the same kinds and degree be inflicted on an equal number of the captives from them in our possession, till they shall be taught to respect the violated rights of nations:

That a copy of the above report and resolutions be transmitted to the commander in chief of the continental forces, to be by him sent to Generals Howe and Burgoyne.[1]

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JULY 11, 1776

Sundry letters were received and read:

One of the 9th, from the convention of New Jersey:

Referred to the Board of War, who are desired to report thereon as soon as possible.

[1] Printed in the *Pennsylvania Evening Post*, 25 July, 1776.

One of the 9th, from the committee of Easton:

Three from officers, prisoners, desiring leave to come to Philadelphia.[1]

Resolved, That Mr. T. Matlack be directed to deliver to Deputy Quarter Master General Biddle, such of the continental stores, in his possession, as may be necessary and wanting for the flying camp.

The General having recommended the following gentlemen to be officers of the two remaining riffle companies of Colonel Stevenson's batallion at New York, viz.

Philemon Griffith, captain:
Thomas Hussey Luckett, first lieutenant:
Adamson Tannehill, second lieutenant:
Henry Hardman, third lieutenant:
Richard Davis, captain:
Daniel Cressap, first lieutenant:
Nieman Tannehill, second lieutenant:
Henry [John?] Hardman, third lieutenant:

Resolved, That they be accepted, and commissions be granted to them accordingly.

Resolved, That an order for $213^1/_3$ dollars, be drawn on the treasurers, in favour of the delegates of Maryland, for defraying the expences of transporting powder to Maryland; they to be accountable.

Three petitions, one from Major Melchior, another from John Doyle, and the third from Mr. B[enjamin] Flower, were presented to Congress, and read:[2]

Ordered, That they be referred to the Board of War.

A petition from John Cox was presented to Congress and read: Whereupon,

[1] The letter from the Convention [Provincial Congress] of New Jersey is in the *Papers of the Continental Congress*, No. 68, folio 183. That from the Committee of Easton is in No. 69, I, folio 169.

[2] The petition of Isaac Melchior, dated Philadelphia, July 10, 1776, is in the *Papers of the Continental Congress*, No. 42, V, folio 1. That of Benjamin Flower is in No. 42, III, folio 5.

Resolved, That the Secret Committee be directed to sell Mr. Cox half a ton of powder, for the use of the private vessel of war by him fitted out.

A petition from Coxe, and Furman, and others, was presented to Congress, and read, together with a memorial from the committee of inspection [and observation] for the city and liberties of Philadelphia, recommending their case to the notice of Congress; Whereupon,

Resolved, That the petitioners have leave to dispose of the goods mentioned in their petition.

A letter of the 10, from General Washington, and five letters from Governor Trumbull, of the 5th and 6th, were laid before Congress, and read.[1]

The Board of War, to whom the letter from the convention of New Jersey was referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That a letter be written to the convention of New Jersey, informing them,—that, as they have not enclosed to Congress, copies of General Washington's and Brigadier General Livingston's letters, no judgment can be formed by Congress, concerning the contents of them, until copies are sent;—that measures are taking in Pensylvania and Maryland, for forming the flying camp;—that, in the mean while, the associated militia are marching, in great numbers, from Pensylvania, for the defence of New Jersey;—that ammunition has been, and will be, supplied by this Congress, for the defence of New Jersey;—that, with regard to the pay of the militia, Congress will observe the same rule of conduct towards New Jersey, as towards other colonies:

The Congress resumed the consideration of the report from the standing committee for indian affairs, and, thereupon, came to the following resolutions:

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 189. It is printed in *Writings of Washington* (Ford), IV, 224. Those of Governor Trumbull are in No. 66, I, folios 193 to 209.

The Congress are so fully persuaded of the necessity of protecting the frontiers of New York from the incursions of the enemy, that they recommend that business to General Schuyler's immediate attention and direct that if the situation of affairs will admit of it, he take proper steps for erecting a fort at Oswego and building gallies on Lake Ontario, and pursue such other measures as may be best fitted to answer the views of Congress.

That posts be taken and forts erected at Presque isle, Le Beuf, and Kittanning, and a batallion be raised to erect and garrison the same.

That the commissioners of Indian affairs in the middle department be directed to inquire what naval force on Lake Erie will be necessary to secure to the United States the command of the navigation of that lake and to report the result of their inquiry as soon as possible to Congress.

That it be notified to the convention of Virginia, that the Congress are willing to take into continental possession, the forts at the mouths of Wheeling and the Great Kanhaway, and the fort at Pittsburg, now in possession of that colony; and also to receive, on the continental establishment, the garrisons in these forts, if the said convention shall desire it.

The Marine Committee in pursuance of the order of Congress, reported that they have called before them, divers of the inferior officers, belonging to the ships *Alfred* and *Columbus*, and having heard their complaints against the Captains, Saltonstal and Whipple, in their presence, are of opinion, that the charge against Captain Saltonstal does not appear to the committee to be well founded, and that the charge against Captain Whipple amounts to nothing more than a rough, indelicate mode of behaviour to his marine officers; Whereupon,

Resolved, That the Marine Committee be directed to order the Captains, Saltonstal and Whipple, to repair to their respective commands; and that it be recommended to Captain Whipple to cultivate harmony with his officers.[1]

Dr. [Benjamin] Franklin, one of the commissioners to Canada, laid before Congress an account of his expenditures:

Resolved, That the same be referred to the Board of Treasury.

The president acquainted Congress, that last evening, information was given to him, of a conspiracy or plot carrying on for liberating the prisoners &c. ||in the gaol of Philadelphia, and other evil designs;|| Whereupon,

Resolved, That a committee of five be appointed, and that they, together with the president, be directed to make strict enquiry into the truth of the matter; and, if they find the information well grounded, to take such steps as they shall judge prudent and effectual, for defeating the machinations of the conspirators; and, in case of necessity, to call upon the brigadier general, or commanding officer of the associators, for the aid of the military:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Richard] Stockton, Mr. [Button] Gwinnett, Mr. [Robert] Morris, and Mr. [James] Wilson.

A letter from Mr. Mease was laid before Congress and read;

Resolved, That an order for 40,000 dollars be drawn on the treasurers, in favour of Mr. Mease, to enable him to advance a month's pay to the military associators of Pensylvania, ordered into New Jersey, and to those who engage to form the flying camp; he to be accountable.

[1] Printed in the *Pennsylvania Gazette*, 24 July, 1776.

The Committee of Claims reported, that there is due,

To Thomas Amor, for boarding General Lee's guard the sum of £12 16 10=34 22/90 dollars:

To Colonel Nelson, for expences of an express, the sum of £1 17 0=4 84/90 dollars:

To Caspar Miller, for provisions, &c. for General Lee's guard, the sum of £12 9 9=33 27/90 dollars:[1]

To Thomas Dundas for riffles supplied Colonel Irwine's batallion, the sum of £117 14=313 78/90 dollars and that the same be charged to said batallion:

To Joseph Hewes, Esqr. for expences paid for the carriage, guard, &c. of gun powder, to North Carolina, the sum of £247 12 10=660 34/90 dollars:

To Timothy Matlack, on account, 200 dollars:

To William Trickett, for stationary, the sum of £76 14 3=204 51/90 dollars:

Ordered, That the said accounts be paid.

The committee, to whom the letter from John Macpherson, of the 31 of May, was referred, brought in their report, as follows:

That they had examined Mr. Macpherson, respecting the contents of his letter, who alleged, that he had a promise of being appointed commander in chief of the American navy, by Messrs. Randolph, Hopkins and J. Rutledge, a committee of Congress to whom he communicated an important secret; but that he produced no evidence in support of such allegation; that they enquired of Mr. Hopkins about this promise, in the presence of Mr. Macpherson, and that Mr. Hopkins declared he recollected nothing of the kind:[2] Whereupon,

[1] The report (*Papers of the Continental Congress*, No. 136, I, folio 3) added, "that the same ought to be paid to Miles and Wister, of this city."

[2] In the original report the following sentence appears at this point: "and Mr. Randolph being since dead, and Mr. Rutledge now absent, your committee have it not in their power to make any farther report in the premises." It was stricken out.

Resolved, That the application and request of Mr. Macpherson is unreasonable.[1]

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 12, 1776

Sundry letters were laid before Congress, and read,

One of the 11, from Brigadier General Wooster:

One from Mrs. Conolly:

One of the 10th, from the convention of New Jersey:

Resolved, That the last be referred to the Board of War.

Resolved, That the committee appointed, on the 8th of May last, on the instructions given to Commodore Hopkins, be discharged; and that the matters to them referred, be committed to the Marine Committee, who are invested with the same powers as the committee, now discharged, were at their appointment; and that the Marine Committee be directed to proceed to enquire, as well how far the said commodore has complied with the instructions given him by the naval committee, as into the complaints reported by the Marine Committee on the 13th of June, to have been exhibited against him.

The committee appointed to examine into the claims of Mr. Charles Walker, for the hire and expences of his sloop *Endeavour*, and the damages he has sustained, in consequence of her being taken into the service of the United Colonies, and brought from New Providence to New London by Commodore Hopkins, brought in their report, ||which was taken into consideration||; Whereupon,[2]

Resolved, That the said sloop *Endeavour* be restored to

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 78, XV, folio 53.

[2] A petition from Charles Walker, dated Philadelphia, June 18, 1776, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 125.

the said Walker, with all her stores and materials, as she came from sea, and now lies at New London:

That the sum of two thousand dollars be paid to the said Charles Walker, for the hire of her, and in lieu of all losses, damages, premiums of insurance, and expences whatever:

That the said Charles Walker be permitted to invest the balance of the said 2,000 dollars, (or what remains, after defraying his expences, and paying for the repairs and out fit of his vessel), in produce, and export the same.

The committee appointed to prepare articles of confederation brought in a draught, which was read:[1]

Articles of confederation and perpetual union, between the colonies of

New Hampshire,
Massachusetts Bay,
Rhode Island,
Connecticut,
New York,
New Jersey,
Pennsylvania,
The counties of New Castle, Kent and Sussex on Delaware,
Maryland,
Virginia,
North Carolina,
South Carolina, and
Georgia.

ART. I. THE Name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said Colonies unite themselves so as never to be divided by any Act whatever, and hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the said Colonies to assist one another against all Force offered

[1] The Articles of Confederation as first laid before Congress and ordered to be printed are in the *Papers of the Continental Congress*, No. 47. The original manuscript is in the writing of John Dickinson (folio 9,) but was used by Charles Thomson in noting such changes or amendments as were made in Congress, before the Articles were ordered to be printed a second time, on August 20. I have sought to give in this place the Articles as they were prepared by Dickinson, with the few changes he made while writing them, and with the queries which he noted on the margin. The text is substantially that printed in the first issue. Under August 20 is again repeated this first printed issue in parallel with the Articles as reported to Congress on that day and ordered to be printed.

to or attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.

ART. III. Each Colony shall retain and enjoy as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and Government of its internal police, in all matters that shall not interfere with the Articles of this Confederation.[1]

ART. IV. No Colony or Colonies, without the Consent of the United States ~~in Congress~~ assembled, shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present, Emolument, Office, or Title of any Kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

ART. V. No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the United States ~~in Congress~~ assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.

ART. VI. The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following Article.

ART. VII. The Inhabitants of each Colony shall enjoy all the Rights, Liberties, Privileges, Immunities, and Advantages, in Trade, Navigation, and Commerce, in any other Colony, and in going to and from the same from and to any Part of the World, which the Natives of such Colony ~~or any Commercial Society, established by its Authority shall~~ enjoy.

ART. VIII. Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importations or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties

[1] "Q. Should not the first Article provide for a Toleration and agt Establishments hereafter to be made?" *J. D.*

"Quære. The Propriety of the Union's garranteeing to every colony their respective Constitution and form of Government?" *J. D.*

hereafter entered into by the United States assembled, with the King or Kingdom of Great Britain, or any foreign Prince or State.

Art. IX. No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Times of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in public Stores, a due Number of Field Pieces and Tents, and a proper Quantity of Ammunition, and ~~other~~ Camp Equipage.[1]

Art. X. When Troops are raised in any of the Colonies for the common Defence, the Commission Officers proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such manner as shall by them be directed.

Art. XI. All Charges of Wars and all other Expences that shall be incurred for the common Defence, or general Welfare, and allowed by the United States ~~in General Congress~~ assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes, in each Colony, a true Account of which, distinguishing the white[2] Inhabitants ~~who are not slaves,~~ shall be triennially taken and transmitted to ~~Congress~~ the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by United States assembled.[3]

Art. XII. Every Colony shall abide by the Determinations of the United States ~~in General Congress~~ assembled, concerning the Services performed and Losses or Expences incurred by every Colony for the common Defence or general Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfactions, Indemnifica-

[1] "Q. Should not this Article specify the Particulars, as to Age, Arms, Field pieces, &c." *J. D.*

[2] This word was inserted on striking out "who are not slaves."

[3] "Q. If no Notice should be taken of the Bills already emitted, and if there should not be a Contract to contribute in due Proportion towards sinking them?" *J. D.*

tions, Compensations, Retributions, Exemptions, or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

ART. XIII. No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nations of Indians to invade such Colony or Colonies, and the Danger is so imminent, as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.[1]

ART. XIV. A perpetual Alliance, offensive and defensive, is to be entered into by the United States assembled as soon as may be, with the Six Nations, and all other neighbouring Nations of Indians; their Limits to be ascertained, their Lands to be secured to them, and not encroached on;[2] no Purchases of Lands, hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by them, and the great Councils of the Indians, for the general Benefit of all the United Colonies.[3]

ART. XV. When the Boundaries of any Colony shall be ascertained by Agreement, or in the Manner herein after directed, all the other Colonies shall guarantee to such Colony the full and peaceable Possession of, and the free and entire Jurisdiction in and over the Territory included within such Boundaries.[4]

ART. XVI. For the more convenient Management of the general Interests of the United States, Delegates should be annually appointed in such Manner as the Legislature of each Colony shall direct, ~~or such~~

[1] "Q. How far the Expence of any War is to be defrayed by the Union?" *J. D.*

[2] "Q. How far a Colony may interfere in Indian Affairs?" *J. D.*

To this point this paragraph was omitted in the printed version.

[3] "This Article is submitted to Congress." *J. D.*

[4] "This Article is submitted to Congress.

"Q. Should there not be an Article to prevent those who are hereafter brought into these Colonies, from being held in Slavery within the Colonies?" *J. D.*

~~Branches thereof as the Colony shall authorize for that purpose,~~ to meet ~~in General Congress~~ at the City of Philadelphia, in the Colony of Pennsylvania, until otherwise ordered by ~~Congress~~ the United States assembled; which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates, respectively to ~~supercede~~ recal them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in ~~Congress~~ a Meeting of the States, and while they act as Members of the Council of State, herein after mentioned.[1]

ART. XVII. In determining Questions ~~in Congress~~ each Colony shall have one Vote.

ART. XVIII.[2] The United States assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article—Of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal—In what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated—Granting Letters of Marque and Reprisal in Times of Peace—Appointing Courts for the Trial of all Crimes, Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish—Establishing Courts for receiving and determining finally Appeals in all Cases of Captures—Sending and receiving Ambassadors under any Character—Entering into Treaties and Alliances—Settling all Disputes and Differences now subsisting, or that hereafter may arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever—Coining Money and regulating the Value thereof—Regulating the ~~Indian~~ Trade, and managing all ~~Indian~~ Affairs with the Indians—Limiting the Bounds of

[1] "Q. If there should not be an Oath or Affirmation prescrib'd for every Delegate to take? See 31st. Vol. of Mod. Univ'l Hist.

"Q. If a Delegate should be permitted to vote by Proxy or by Writing, when absent by Reason of Sickness, &c.?" *J. D.*

[2] "Q. How the power is to be describ'd, if any is to be given to the United States assembled, of erecting Forts and keeping Garrisons, *in any Colony*, for the genl. Defence? Should it be done, if the Colony objects?

"Q. The power of arresting and trying persons in the Service of the United States, *in any Colony*, without applying to the Government *of such Colony?* A Dispute on this Head occasioned great Confusion in Holland.

"Q. The power of laying Embargos?" *J. D.*

those Colonies, which by Charter or Proclamation, or under any Pretence, are said to extend to the South Sea, and ascertaining those Bounds of any other Colony that appear to be indeterminate—Assigning Territories for new Colonies, either in Lands to be thus separated from Colonies and heretofore purchased or obtained by the Crown of Great-Britain from the Indians, or hereafter to be purchased or obtained from them—Disposing of all such Lands for the general Benefit of all the United Colonies—Ascertaining Boundaries to such new Colonies, within which Forms of Government are to be established on the Principles of Liberty[1]—Establishing and regulating Post-Offices throughout all the United Colonies, on the Lines of Communication from one Colony to another—Appointing General Officers of the Land Forces in the Service of the United States—Commissioning such other Officers of the said Forces as shall be appointed by Virtue of the tenth Article—Appointing all the Officers of the Naval Forces in the Service of the United States—Making Rules for the Government and Regulation of the said Land and Naval Forces, and directing the ~~Marches, Cruises and~~ operations ~~of such land and naval Forces~~—Appointing a Council of State, and such Committees and civil Officers as may be necessary for managing the general Affairs of the United States, under their Direction while assembled, and in their Recess, of the Council of State—Appointing one of their number to preside, and a suitable Person for Secretary—And adjourning to any Time within the Year.

The United States assembled shall have Authority for the Defence and Welfare of the United Colonies and every of them, to agree upon and fix the necessary Sums and Expences—To emit Bills, or to borrow Money on the Credit of the United Colonies—To raise Naval Forces—To agree upon the Number of Land Forces to be raised, and to make Requisitions from the Legislature of each Colony, or the Persons therein authorized by the Legislature to execute such Requisitions, for the Quota of each Colony, which is to be in Proportion to the Number of white Inhabitants in that Colony ~~who are not slaves~~, which Requisitions shall be binding, and thereupon the Legislature of each Colony or the Persons authorized as aforesaid, shall appoint the Regimental Officers, ~~and~~ raise the Men, and arm and equip them in a soldier-like Manner; and the Officers and Men so armed and equipped, shall march to the Place appointed, and within the Time agreed on by the United States assembled.

[1] "These clauses [from Limiting the Bounds, &c.] are submitted to Congress." *J. D.*

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men, or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the Legislature of such Colony or Colonies respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which Case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the Officers and Men so armed and equip[p]ed shall march to the Place appointed, and within the Time agreed on by the United States assembled.

To establish the same Weights and Measures throughout the United Colonies.

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post-Office, nor interfere in the internal Police of any Colony, any further than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expences necessary for the Defence and Welfare of the United Colonies, or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise Naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same:[1] Nor shall a Question on any other Point, except for adjourning, be determined, unless the Delegates of seven Colonies vote in the affirmative.

No Person shall be capable of being a Delegate for more than three Years in any Term of six Years.

No Person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy—The Yeas and Nays of the Delegates of each Colony on any Question to be entered on the Journal, where it is desired by any Delegate; and the Delegates of a Colony, or any of them, at his or

[1] "Q. If so large a Majority is necessary in concluding a Treaty of Peace?" *J. D.*

their Request, to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.[1]

ART. XIX. The Council of State shall consist of one Delegate from each C[o]lony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.[2]

~~The Business and Duty of~~ This Council shall have Power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any Engagements that shall be binding on the United States—To correspond with the Legislature of each Colony, and all Persons acting under the Authority of the United States, or of the said Legislatures—To apply to such Legislatures, or to the Officers in the several Colonies who are entrusted with the executive Powers of Government, for occasional Aid whenever and wherever necessary—To give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall make such Change absolutely necessary—To attend to the Defence and Preservation of Forts and strong Posts, and to prevent the Enemy from acquiring new Holds—To procure Intelligence of the Condition and Designs of the Enemy—To expedite the Execution of such Measures as may be resolved on by the United States assembled, in Pursuance of the Powers hereby given to them—To draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in Pursuance of the Powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the Authority of the United States—In Case of the Death or Removal of any Officer within the Appointment of the United States assembled, to employ a Person to fulfill the Duties of such Office until the Assembly of the States meet—To publish and disperse authentic Accounts of military Operations—To summon an Assembly

[1] "Q. Whether the proceedings of the Assembly of the States should not be published weekly, except such Matters as relate to Alliances, military Operations, &c, which require Secrecy? If this is not proper, yet, should not every Delegate have a Right to enter his Protest, and assign his Reasons, and even publish them, if he thinks fit?" *J. D.*

[2] "Q. The Oath of a Councillor?" *J. D.*

of the States at an earlier Day than that appointed for their next Meeting, if any great and unexpected Emergency should render it necessary for the Safety or Welfare of the United Colonies or any of them—To prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their Proceedings—To appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity, before he enters on the Exercise of his Office—Seven Members shall have Power to act—In Case of the Death of any Member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, and if only one survives, they shall give him[1] immediate Notice, that he may take his Seat as a Councilor till such Meeting.[2]

ART. XX. Canada acceding to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advantages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the ~~foregoing~~ Articles of this Confederation shall inviolably be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every Colony.[3]

[1] This word omitted in the printed version.

[2] "Q. If the Secretary of the Congress should not be Secretary to the Council of States to prevent unnecessary Expence and the Discovery of Secrets—It would also promote the Despatch of Business." *J. D.*

[3] "Q. If there should not be a solemn Oath taken by every Colony, or its Delegates, authorized for that Purpose, by the respective Legislatures, to observe and abide by all and similar the Articles of this Confederation?" *J. D.*

The following paper is in the Franklin Manuscripts in the Library of Congress. Although the document itself is not in the writing of Franklin, there is a slip of paper on which he wrote:

"This Paper was drawn up by B. Franklin in 1776, he being then President of the Convention of Pennsylvania; but he was dissuaded from endeavouring to carry it

Resolved, That eighty copies, and no more, of the confederation, as brought in by the committee, be immediately printed, and deposited with the secretary, who shall deliver one copy to each member:

~~That a committee of be appointed to superintend the press, who shall take care that the foregoing resolution~~ [*unfinished*]

That the printer be under oath to deliver all the copies, which he shall print, together with the copy sheet, to the secretary, and not to disclose either directly or indirectly, the contents of the said confederation:

That no member furnish any person with his copy, or take any steps by which the said confederation may be

through, from some prudential Considerations respecting the necessary Union at that time of all the States in Confederation"

The paper must have been prepared in the interval between July 12 and August 20, the dates of the submission to Congress of the first form of the Confederation and of the rising of the Pennsylvania Convention.

"We the Representatives of the State of Pennsylvania in full Convention met, having duly Considered the plan of Confederation formed in Congress, and submitted to the several States, for their Assent or Dissent, do hereby declare the Dissent of this State to the same for the following reasons vizt

1st Because the foundation of every Confederation intended to be lasting, ought to be laid in Justice and Equity, no unfair Advantage being given to, or taken by, any of the Contracting parties.

"2^d Because it is, in the Nature of things, just and equal, that the respective States of the Confederacy should be represented in Congress, and have Votes there in proportion to their Importance, arising from their Numbers of People, and the Share and degree of Strength they afford to the United Body. And therefore the xvii^th Article (1 Note) which gives one Vote to the smallest State and no more to the largest when the difference between them may be as 10 to 1, or greater, is unjust, and injurious to the larger States, since all of them are by other Articles obliged to Contribute in proportion to their respective abilities.

"3^d Because the Practice hitherto in Congress, of allowing only one Vote to each Colony, was originally taken up under a Conviction of its Impropriety and Injustice,

"Note 1. This since forms Part of the 5th Article of the Confederation as agreed to by all the States, except Maryland,—on the 9th July 1778:—and finally ratified by the whole Union, on the 1st March 1781.—(the State of Maryland acceding thereto)" *William Temple Franklin*, on original manuscript. From the Franklin Manuscripts in the Library of Congress, folio 293.

re-printed, and that the secretary be under the like injunction.

The committee appointed to take into consideration the memorial of the director general of the American hospital, brought in their report, which was read:

Ordered, To lie on the table.

Resolved, That Mr. [Francis] Hopkinson be added to the Marine Committee:

Resolved, That the secretary be empowered to employ an assistant clerk.

The committee on the treasury, to whom the account of Dr. Benjamin Franklin, one of the commissioners to Canada, was referred, reported, that there is due to said

was intended to be in some future time Corrected, and was then and since submitted to only as a Temporary Expedient, to be used in ordinary Business, until the means of rectifying the same could be obtained; This clearly appears by the Resolve of Congress dated Sept 6, 1774 being the day of its meeting which Resolve is in these Words: "That in determining Questions in this Congress, each Colony or Province shall have one Vote, the Congress not being possessed of, or at present able to procure proper Materials, for Ascertaining the Importance of each Colony." That Importance has since been supposed to be best found in the Numbers of the People, for the Congress not only by their Resolution when the Issuing of bills was agreed to, but by this present Confederation, have judged that the Contribution towards sinking those Bills and to the common Expence should be in proportion to such Numbers when they could be taken, which has not yet been done; And tho the larger Colonies submitted to this temporary Inequality of Representation, expecting it would much sooner have been rectifyed, it never was understood that by the resolution above cited a power was given to the smaller States to fix that Inequality upon them forever, as those small States have now attempted to do by Combining to vote for this 17th Article, and thereby to deprive the larger States of their just right, acknowledged in the same resolution. And the smaller States having given us in Advance, this Striking Instance of the Injustice they are capable of, and of the possible Effects of their Combination, is of itself a sufficient reason for our determining not to put ourselves in their power by agreeing to this Article, as it stands connected with those concerning the Quota's of each State, since being a Majority of States in Congress, they may by the same Means at any time deprive the larger States of any Share in the Disposition of our Strength and Wealth, and the Management of our Common Interests.

"But as the smaller Colonies, may object, that if the larger are allowed a Number of Votes in proportion to their Importance, the smaller will then be equally in danger of being overpowered and governed by them, We not having the least desire of any Influence or Power that is unjust or unequal or disproportioned to the

Dr. Franklin, the sum of £457 19=1,221 18/90 dollars; of which

560 dollars be charged to General Arnold:

124 do. advanced to Charles Carroll, of Carrollton, Esqr.

164 do. and 78/90ths, paid for bedding, &c. for the use of the commisioners, and which now remains deposited with the commissary of stores in Albany, and the remainder

372 dollars and 30/90ths, expended by Messrs. Franklin and J. Carroll, in their journey to, and from, and in. Canada:

Ordered, That the said account be paid.

Adjourned to 9 o'Clock on Monday next.[1]

The Congress being called together on

Burthens we are to bear, do hereby offer our Consent to the said 17th Article as it now stands, provided the Quotas to be contributed by the larger Provinces, shall be reduced to an equallity with the smallest—in which Case all by Contributing equally will have a right to equal Votes. Not that we mean thereby to avoid granting additional Aids, when the Exigence of our common Interests shall appear to us to make them proper and Necessary, but leaving to the Congress, with regard to such additional Aids, the right of making Requisitions as enjoy'd by our late Kings, we would reserve to ourselves the right of Judging of the Propriety of these Requisitions, or of Refusing or Complying with them in part, or in the whole, as to us shall seem best, and of modifying our Grants with such Conditions as we shall Judge Necessary, in like Manner as our Assemblies might formerly do with regard to Requisitions from the Crown. For it appears to us Just and reasonable, that we should retain the Disposition of what Strength we have, above the equal Proportion, contributed as aforesaid by our State to the Common Service; with every power necessary to apply the same, as Occasions may arise, for our particular Security; This we mean to do from this time forward, unless we are allowed Votes in Congress, proportioned to the Importance of our State, as was originally intended.

Signed by Order of the Convention"

William Temple Franklin has added the following note:

"Tho' this Protest was not acted upon for the Reasons previously assigned by Dr Franklin, it serves however to shew his Opinion, and arguments in support of a very important question of American Legislation, and is an additional feature of his political Mind."

[1] A petition from Francis Mentges, was read this day, and "ordered to lie." It was later referred to the delegates of Pennsylvania and Maryland. The petition is in the *Papers of the Continental Congress*, No. 42, V, folio 5.

SUNDAY, JULY 14, 1776

Two letters from General Washington, dated 11 and 12th July, were laid before Congress, and read.[1]

Resolved, That an order for 20,000 dollars be drawn on the treasurers in favour of Colonel Clement Biddle, deputy quarter master general for the use of the flying camp and militia ordered to the Jerseys; he to be accountable:

That Col. Biddle ||be directed to|| use every method to forward the flour at Trenton to the places where it is wanted:

That Col. Biddle be empowered to appoint one assistant:

That Col. Biddle be directed to furnish tents, camp kettles, and canteens for an army of 20,000 men, including such of those articles, he has already received from Mr. James Mease:

That Col. Biddle be directed to employ an armourer or armourers for the army in New Jersey:

That application be made to the convention of New Jersey to supply all the lead they possibly can for the flying camp and militia:

That application be made to the committee of safety of Pensylvania, desiring them to supply the flying camp, and militia, in the Jerseys, with as many musket cartridges, well balled, as they can possibly spare:

That the Secret Committee be directed to supply the committee of safety of Pensylvania, with a quantity of powder, equal to that spared to the Continent in cartridges:

That an express be sent to overtake the powder wagons going to Virginia, with a letter to Colonel Fielding Lewis, to send in the return wagons, all the lead he can collect at Fredericksburg:

[1] These letters are in the *Papers of the Continental Congress*, No. 152, II, folios 197 and 213. They are printed in *Writings of Washington* (Ford), IV, 237, 242.

That the committee, or council of safety of Virginia, be requested to send to Philadelphia, by the return of the wagons, as much of the lead they now have at Williamsburgh, as they can spare, and to order from the mines 15 or 20 tons more of lead to Philadelphia, as soon as possible:

That a letter be written to the commanding officer in the Jerseys, to march such of the militia, and flying camp, to Brunswick or other places in the Jerseys, as he may judge necessary, and most conducive to the public service; provided it does not interfere with any prior directions of General Washington:

That the committee of safety of Pensylvania be requested, immediately, to order to the several places of their destination, all the British officers, prisoners, in this city: their ladies not to be desired to go until the weather is more suitable:

That the commanding officer in Pensylvania be desired to issue fresh orders, and exert himself, to forward the immediate march of the militia to New Jersey: The service requiring their being immediately embodied, as appears by the advices received by express from General Washington:

That the deputy quarter master general be directed to request the use of some house of public worship, to cover the troops during their short stay in this city.

Adjourned to 9 o'Clock to Morrow.

MONDAY, JULY 15, 1776

Sundry letters were laid before Congress, and read, viz.

One from Mr. J. Jay, of the 6th, enclosing a memorial from Samuel Tredwell Pell, of the manor of Pelham:

One from the committee of Lancaster, of the 11: and

One from the committee of Reading, of the 13th; and,

Two from the convention of New York, of the 11th, with sundry papers enclosed;[1] among which the following resolutions:

"IN CONVENTION OF THE REPRESENTATIVES
"OF THE STATE OF NEW YORK,
"*White Plains, July 9, 1776.*

"*Resolved unanimously*, That the reasons assigned by the Continental Congress for declaring the United Colonies Free and Independent States, are cogent and conclusive; and, that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will, at the risque of our lives and fortunes, join with the other colonies in supporting it.

"*Resolved*, That a copy of the said declaration and the aforegoing resolution be sent to the chairman of the committee of the county of Westchester with orders to publish the same with beat of Drum, at this place, on Thursday next, and to give directions, that it be published with all convenient speed in the several districts of the county; that copies also be sent to the chairman of the several counties within the state of New York with orders to cause the same to be published in the several districts of their respective counties.

"*Resolved unanimously*, That the delegates of this state, in the Continental Congress, be, and they hereby are authorized to concert and adopt all such measures as they may deem conducive to the happiness and welfare of the United States of America.

"Extract from the minutes,

"ROBERT BENSON, *Secretary*."

Resolved, That the letters from the convention of New York, with the papers enclosed, be referred to the Board of War:

Resolved, That the letters of General Washington of the 10, 11, and 12, be referred to the Board of War.

~~Resolved, That the Committee of Safety of Pensylvania be impowered to pay to the officers ordered from~~

[1] The letter from John Jay is in the *Papers of the Continental Congress*, No. 78, XIII, folio 27. That of the committee of Lancaster is in No. 69, I, folio 173. That of the committee of Reading is in No. 69, I, folio 177. Those of the Convention of New York are in No. 67, I, folios 232, 252.

~~New Jersey to Pensylvania, the money ordered by Congress to be advanced for subsistance.~~[1]

Resolved, That the case of the officers ordered from New Jersey to Pensylvania, be referred to the Board of War, and that they be directed to examine into the conduct of said officers, and their servants; and to order them to such places, and to be disposed of in such manner, as they shall think proper.

Resolved, That the sum of £16 10, lawful money,=[55 dollars] be paid to Major Henry Sherburne, for his expences from the 6th of June, the time he left Canada, to this day, with a farther allowance of eight days expences to join his regiment.

Resolved, That two members be elected for the Board of Treasury, in the room of two who are absent.

The members chosen, Mr. P[hilip] Livingston and Mr. [George] Read.

A letter from an officer of Colonel Hazen's batallion, was laid before Congress, and read.

Resolved, That it be referred to the committee appointed to inquire into the causes of the miscarriages in Canada.

A petition and memorial of Captain James Ross, was laid before Congress and read:

Resolved, That the same be referred to the Committee of Claims.

Resolved, That it be recommended to P[atrick] Henry, Esq. governor of Virginia, to give orders for manning and sending to sea, under convoy, the brig *Fanny*, Captain Tokely, which is loaded on account of the Continent.

Resolved, That a committee, to consist of one or more members of Virginia, Maryland, Delaware, Pensylvania

[1] This resolution has reference to prisoners of war. In the margin of the Journal is written: "This paid by Congress."

and New Jersey, be appointed to consider the propriety and means of augmenting the flying camp:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Thomas] Stone, Mr. [George] Read, Mr. [John] Morton, and Mr. [Richard] Stockton.

Resolved, That the batallion which is to garrison the posts of Presque Isle, Le Beuf, and Kittanning, be raised in the counties of Westmoreland and Bedford, in Pensylvania, in the following proportions, to wit: seven companies in Westmoreland, and one company in Bedford:

That the commissioned officers of the several companies, be appointed by the committee of the county in which they are to be raised.

Resolved, That to morrow be assigned for appointing the field officers of said batallion and of the German batallion.

Resolved, That a chief physician be appointed for the flying camp, and that his pay be four dollars per day:

The ballots being taken [and examined,]

William Shippen, Junr. was elected.

Resolved, That to morrow be assigned for the appointment of a commissary of military stores, and deputy adjutant general for the flying camp.

Resolved, That Thursday morning be assigned for taking into consideration the report of the committee of ways and means.

Resolved, That Alexander M'Donald, son of Captain M'Donald, be liberated on his parole, and allowed to reside with his father.

A petition from John Hannum, was presented to Congress, and read.

Resolved, That the same, together with the papers accompanying it, be referred to the Secret Committee.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, JULY 16, 1776

Sundry letters were laid before Congress, [and read, viz.]

One from Brigadier General Sullivan, of the 2d, from Crown Point:

One from General Washington, of the 14th:

One from the committee of Lancaster, of the 13th:[1]

One from Samuel Blackden, [Blagden] of the 16:

Resolved, That the letter from General Washington be referred to the Board of War:

Resolved, That ~~the letter from~~ Samuel Blackden be referred ~~to the Board of Treasury~~ to the deputy pay master and deputy commissary general in the northern department.

Resolved, That General Washington be desired to lodge powder with such persons as he may think proper, for the use of such parts of the state of New York, as he may apprehend exposed to danger, and that the commanding officer in New Jersey do the same in that colony; and that General Washington, and the said commanding officer in New Jersey, be empowered to draw, from Messrs. Wisner, Livingston and Ford's powder mills, any powder which may be requisite for these purposes, or for the use of their respective camps.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That there be appointed, by the commanding officer of each regiment in the continental army, a serjeant major, quarter master serjeant, drum major and fife major, who shall respectively hold no other appointment but those before mentioned, and that their pay be one dol-

[1]The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 217. It is printed in *Writings of Washington* (Ford), IV, 247. That of Sullivan is in No. 160, folio 15. That of the Committee of Lancaster is in No. 69, I, folio 181.

lar a month each, more than that allowed to a Serjeant, Drum or Fife in the said regiments:

That a beating warrant be made out to Mr. John Doyle, to be a captain of a company of rifflemen to be raised for three years, unless sooner discharged by Congress; his commission to be given him as soon as his company is full:

That a pay master be appointed to each regiment in the army of the United States, with a salary of 26 dollars and two thirds of a dollar a month.[1]

That the application to Congress from Mr. Rowland Chambers, desiring to be appointed pay master to the Jersey troops at New York, cannot be complied with, as such an appointment would interfere with the duty of the pay master general, within whose department it properly lies:

That half a dollar per week be allowed to each man of the Connecticut light horse, who has joined the army at New York, for the maintenance of his horse, for so long time, only, as the general shall think it necessary for such horses to continue in the service:

That General Schuyler be directed to take every possible precaution to cleanse the army, under his command, from the infection of the small pox:

That it be recommended to the provincial convention of Pensylvania, now sitting, to take such measures as they may judge proper and necessary, for procuring as much lead, within that Colony [state,] as can be obtained for the supply of the flying camp:

That three commissioners be appointed by Congress, to repair, as soon as may be, to New York, there to audit the accounts of the commissary general, quartermaster

[1]See a letter from Elbridge Gerry to General Gates, 25 June, 1776, in Force, *American Archives*, Fifth Series, I, 21.

general, and director general of the hospital, and all other accounts of the army; the said commissioners to take an oath for the faithful execution of their trust:

That three commissioners be appointed, for the like purposes, in the northern army:

That General Washington be informed, that the bounty granted by the resolution of Congress of the 26 June, was intended as a general regulation, and to extend to all such men, now in the continental service, and all others, who will inlist for the term of three years, to be computed from and after the expiration of the term of their present inlistment.

Resolved, That Monsieur Kirmovan be appointed an engineer in the continental service, with the pay of 60 dollars per month, and the rank of lieutenant colonel:

That he be ordered immediately to repair to New Jersey, and put himself under the command of the officer commanding the flying camp.

Resolved, That Richard Humpton be employed in the continental service, with the rank and pay of lieutenant colonel:

That Samuel Dawson be employed in the continental service, with the rank and pay of captain:

That they be ordered immediately to repair to New Jersey, and put themselves under the command of the officer commanding the flying camp.

Resolved, That General Washington be desired to call to his assistance, at New York, two thousand of the men who have marched into New Jersey to form the flying camp; and that the convention of New Jersey be requested immediately to supply their places with an equal number of the militia of that state: that letters be written to the states of Massachusetts bay, Connecticut and New Jersey, setting forth the situation of our affairs in the New York

department, and pressing them immediately to comply with the requisition of Congress of the 3d of June:

That the situation of our army at New York be pointed out to the state of Connecticut; and that it be earnestly recommended to that state, immediately to send all the militia thereof, which can be spared, into New York, to reinforce the army there, and continue in service until the proportions requested of the several states arrive.

The Congress proceeded to the election of a commissary of military stores ||for the flying camp||; and, the ballots being taken, Benjamin Flower, Esqr was elected.

A letter from S[amuel] Chase, Esqr of the 8 July, was laid before Congress, and read:

Resolved, That the same, together with the petition of Mr. Mentges, read the 12th, be referred to the delegates of Pensylvania and Maryland.

A petition from Captain Benedict was presented to Congress, and read; [Whereupon,]

Resolved, That a copy thereof be sent to General Schuyler, and that he be desired to order the accounts of Captain Benedict to be settled and paid, or to inform Congress of the reasons why payment ought to be withheld.

Resolved, That Mr. [Henry] Wisner be empowered to employ a proper person to manufacture gun flints.[1]

||Adjourned to nine o'clock to-morrow.||

WEDNESDAY, JULY 17, 1776

Resolved, That the Secret Committee be directed immediately to deliver to Mr. Mease, to be sent forward to Colonel Moylan, quarter master general, half a ton of saltpetre.

[1] On July 16 John Alsop sent his resignation to the New York Convention, disapproving the Declaration of Independence.

Sundry letters were laid before Congress, and read, [viz.]

One from the convention of New York, 12 July, with sundry papers enclosed; referred to the Board of War:

A letter from Brigadier General Wooster;

A letter from Carpenter Wharton, of the 15; Whereupon,

Resolved, That an order for 15,000 dollars be drawn on the treasurers, in favour of Carpenter Wharton; he to be accountable.

A letter from Richard Ellis, of the 11.[1]

The Board of War, to whom the letter of General Washington, of the 14, was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington, in refusing to receive a letter said to be sent from Lord Howe, addressed to "George Washington, Esqr" acted with a dignity becoming his station; and, therefore, this Congress do highly approve the same; and do direct, that no letter or message be received, on any occasion whatsoever, from the enemy, by the commander in chief, or other, the commanders of the American army, but such as shall be directed to them in the characters they respectively sustain.[2]

Ordered, That the above be published.

The president informed Congress, that he had been under the disagreeable necessity of committing Captain Gamble to prison, on account of his ill behaviour; Whereupon,

Resolved, That the Board of War be directed to enquire into the conduct of Captain Gamble, since he was made prisoner of war, and report specially to Congress.

[1] The letter from the convention of New York is in the *Papers of the Continental Congress*, No. 67, I, folio 254. That from Ellis is in No. 78, VIII, folio 251. That from Wharton is in No. 78, XXIII, folio 297.

[2] Printed in the *Pennsylvania Gazette*, 27 July, 1776.

The Congress took into consideration the report of the committee on the memorial of the director general of the American hospital; Whereupon,

~~Resolved, For the better Government of the general Hospital of the American Army, for explaining and ascertaining more fully the duties of the Director General, the directors of Hospitals, the Surgeons and Mates, both Hospital and Regimental:~~

Resolved, That the number of hospital surgeons and mates be increased, in proportion to the augmentation of the army, not exceeding one surgeon and five mates to every five thousand men, to be reduced when the army is reduced, or when there is no further occasion for so great a number:

That as many persons be employed in the several hospitals, in quality of store keepers, stewards, managers, and nurses, as are necessary for the good of the service, for the time being, to be appointed by the directors of the respective hospitals:

That the several regimental chests of medicines, and chirurgical instruments, which now are or hereafter shall be, in the possession of the regimental surgeons, be subject to the inspection and enquiry of the respective directors of hospitals, and the director general; and that the said regimental surgeons shall, from time to time, when thereto required, render account of the said medicines and instruments to the said directors, or if there be no director in any particular department, to the director general; the said accounts to be transmitted to the director general, and by him to this Congress; and the medicines and instruments not used by any regimental surgeon, to be returned when the regiment is reduced, to the respective directors, and an account thereof by them rendered to the director general, and by him to this Congress:

Resolved, that an Additional Apothecary with such Number of Mates as the Service may require, be allowed, under the Title of Apothecary to the Army, and in subordination to the ~~General Hospital~~ Apothecary of the General Hospital.[1]

That the several directors of hospitals, in the several departments, and the regimental surgeons, where there is no director, shall transmit to the director general regular returns of the number of surgeons' mates, and other officers employed under them, their names and pay; also, an account of the expences and furniture of the hospital under their direction; and that the director general make report of the same, from time to time, to the commander in chief, and to this Congress:

That the several regimental and hospital surgeons, in the several departments, make weekly returns of their sick to the respective directors in their departments:

That no regimental surgeon be allowed to draw upon the hospital of his department, for any stores except medicines and instruments; and that, when any sick persons shall require other stores, they shall be received into the said hospital, and the rations of the said sick persons be stopped, so long as they are in the said hospitals; and that the directors of the several hospitals report to the commissary the names of the sick, when received into, and when discharged from the hospital, and make a like return to the Board of Treasury:

That all extra expences for bandages, old linen, and other articles necessary for the service, incurred by any regimental surgeon, be paid by the director of that department, with the approbation of the commander thereof:

That no more medicines belonging to the continent be be disposed of ~~by sale till the Army is fully supplied,~~ till further order of Congress:

[1] A paragraph that was not retained.

Resolved, that no Surgeon or Surgeon's Mate shall receive a Commo as such in the Army, without having first undergone an Examination by the director of the Hospital of the Department in which he may desire employment or the director Genl and obtained a Certificate from the Commdr and director of that department, or the Director Genl, of his Abilities and knowledge in his business.[1]

That the pay of the hospital surgeons be increased to one dollar and two thirds of a dollar by the day; the pay of the hospital mates be increased to one dollar by the day; and the pay of the hospital apothecary to one dollar and two thirds of a dollar by the day; and that the hospital surgeons and mates take rank of regimental surgeons and mates:

Resolved, that the Storekeepers of the several Hospitals be paid by the month, and the Stewards and Managers of the said Hospitals be paid by the Month a sum not exceeding dollars.[1]

Resolved, that the duties and priviledges of the Surgeons and Mates, not heretofore particularly ascertained, be conformable to the established Usage of other well regulated Armies, as far as is consistent with the Good of the Service, until otherwise settled and directed by this Congress.[1]

Resolved, that the Appointments of Surgeons [Surgeons Mates] Storekeepers, Stewards, Managers and Nurses, heretofore mentioned, shall be made by the Director General in the Northern and Eastern Departments; and of the Middle department by the Director, which may hereafter be app'd in that dep't; and in the Southern Dep't by the director of that dep't with the approba. of the Commandr of the respect departments.[1]

Resolved, that it be recomend to Congress to purchase the Medicines [now in Phila] belonging to Doctor Morgan.[1]

Resolved, that in all levies of Troops hereafter to be raised for the Service of the Continent a stoppage of out of the months pay of each Man be made for the Use and support of the several Continental Hospitals.[1]

That the director general, and the several directors of hospitals, be empowered to purchase, with the approba-

[1] A paragraph that was not retained.

tion of the commander of the respective departments, medicines, and instruments for the use of their respective hospitals, and draw upon the pay master for the same, and make report of such purchases to Congress.[1]

~~Resolved, That the second paragraph in the third page of the report be recommitted.~~

Resolved, That Nicholas Hausegger be appointed colonel; George Stricker, lieutenant colonel; Ludowick Weltner, major of the German batallion:

Resolved, That another company be added to the German batallion:

That John David Woelper be appointed to command said company.

Resolved, That Samuel Brady be first lieutenant, William M'Murray, second lieutenant, Henry Fortney, third lieutenant, of the independent company commanded by Captain Doyle.

The Congress proceeded to the election of a deputy pay master general for the flying camp; and the ballots being taken,

Richard Dallam, Esqr was elected.

Resolved, That Colonel Smallwood, of the Maryland troops, be ordered to repair, with the troops under his command, to New York as soon as possible, and put himself under the command of the General:

That the General be informed that these troops are to be considered as part of the two thousand which he was empowered to call to his assistance from the flying camp, by the resolution of yesterday.

Resolved, That it be earnestly recommended to the convention of New Jersey, to cause all the stock on the sea coast, which they shall apprehend to be in danger of

[1] This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 19, IV, folio 181.

falling into the hands of the enemy, to be immediately removed, and driven back into the country to a place of safety.

Resolved, That a committee of three be appointed to revise the journals, and direct what part of it ought to be published:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Thomas] Lynch, [jun.] and Mr. [Francis] Hopkinson.

Resolved, That the Secret Committee appointed on the 11th of this month, be directed to apply to the convention of Pensylvania, now sitting, and request them to appoint a select committee of their body, to confer with them on a matter of importance relating to their colony.

A petition from Jean Baptiste de Vidal, of Canada, was presented to Congress, and read:

Resolved, That it be referred to a committee of five, and that they be directed to enquire into the character of the petitioner, and all others in similar circumstances, applying for relief, and report to Congress:

The members chosen, Mr. [Benjamin] Rush, Mr. [William] Paca, Mr. [Thomas] Heyward, Mr. [Samuel] Chase, and Mr. [George] Walton.

Resolved, That Mr. J[ohn] Adams, Mr. [Benjamin] Harrison, and Mr. [Robert] Morris, be a committee to bring in a resolution for subjecting to confiscation the property of the subjects of the crown of Great Britain, and particularly the inhabitants of the British West Indies, taken on the high seas, or between high and low water mark.

The Congress took into consideration the report of the committee on the rules and orders for the government of this house; Whereupon,

Resolved, That the following rules be observed:

1. So soon as nine Colonies [states] are present in the house, the Congress proceed to business.[1]

2. No member shall depart from the service of the house, without permission of the Congress, or order from his constituents.

3. No member shall read any printed paper in the house during the sitting thereof, without leave of the Congress.

4. When the house is sitting, no member shall speak ~~or whisper~~ to another, so as to interrupt any member who may be speaking in the debate.

5. Every member, when he speaks, shall rise from his seat, and address himself to the chair, and when he has finished, shall sit down again.[2]

6. No member shall speak more than twice in any one debate, without leave of the house.

7. When two members rise together, the president shall name the person to speak.

8. No motion shall be debated, until the same be seconded.

9. When a motion shall be made, and seconded, it shall be reduced to writing, if desired by the president or any member, delivered in at the table, and read by the president, before the same shall be allowed to be debated.

10. When a motion is made and seconded, the matter of the motion shall receive a determination by the question, or be laid aside, by general consent, or postponed by the previous question, before any other motion be received.

[1] This paragraph is in the writing of John Hancock.

[2] In the original report this paragraph read: "Every person shall speak from his seat, and when not speaking, shall continue therein."

11. If a question in a debate contain more parts than one, any member may have the same divided into as many questions as parts.

12. No person shall be appointed to any office of profit, unless he shall have the consent of seven colonies [states,] nor shall any ballot be counted, unless the person for whom the ballots shall be given, be first named to the house, before the balloting be gone into.[1]

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JULY 18, 1776

The Delegates from Maryland laid before Congress the credentials of a new appointment made by their convention, which were read as follows:

"IN CONVENTION, ANNAPOLIS, *July 4, 1776.*

"*Resolved*, That the honorable Matthew Tilghman, Esqr and Thomas Johnson, Jun. William Paca, Samuel Chase, Thomas Stone, Charles Carroll, (of Carrollton,) and Robert Alexander, Esqrs. or a Majority of them, or of any three or more of them, be Deputies to represent this Colony in Congress, in as full and ample Manner as the Deputies of this Colony might have done under any appointment heretofore made, untill the next Convention shall make farther order therein. Extract from the Minutes:

G. DUVALL, *Clerk.*"[2]

A letter from General Washington, of the 15th, was laid before Congress, and read; and also, sundry intercepted letters from Lord Howe to Governors Franklin, Penn, Eden, Dunmore, Martin and Wright, together with sundry letters to several private persons:[3]

[1] See p. 532, *ante.*

[2] The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates.*

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, II, folio 225. It is printed in *Writings of Washington* (Ford), IV, 258.

The several letters being opened by order of Congress,

Resolved, That the letters from Lord Howe, with the proclamations enclosed, be referred to a committee of three;

The members chosen, Mr. [Thomas] Jefferson, Mr. [Robert Treat] Paine and Mr. [Charles] Carroll.

Resolved, That a committee of three be appointed to examine the private letters, and deliver to the persons to whom directed, such of said letters as contain nothing but private matters.[1]

A letter of the 17th from General Washington, together with sundry despatches from General Schuyler;

Also, a letter from Brigadier General Mercer, of the 16, were received and read:[2]

Resolved, That the said letters be referred to the Board of War.

A letter of the 14 July, from the committee of inspection for the county of Cumberland, was read; Whereupon,

Resolved, That an order for two thousand six hundred dollars be sent to the committee of inspection and observation for the county of Cumberland, for the use of the troops raising in that county for the flying camp; the said committee to be accountable.

Resolved, That a member be added to the Board of War:

The ballots being taken, Mr. Charles Carroll of Carrollton was elected.

The committee appointed to prepare a plan of treaties to be entered into with foreign states or kingdoms, brought in a report, which was read:

[1] The manuscript Journals do not indicate the members of this committee; but the printed Journals show that they were the same as were just named for the committee on Howe's letters.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 233. It is printed in *Writings of Washington* (Ford), IV, 260. That of Mercer is in No. 159, folio 143.

PLAN OF TREATIES.[1]

There[2] shall be a firm, inviolable, and universal Peace, and a true and sincere Friendship between the most serene and mighty Prince, Lewis the Sixteenth, the most Christian King, his Heirs and Successors, and the united States of America; and the Subjects of the most Christian King, and of the said States; and between the Countries, Islands, Cities, and Towns situate under the Jurisdiction of the most Christian King and of the said united States, ~~and every of them,~~ and the People and Inhabitants thereof of every degree; with out Exception of Persons or Places; and the Terms herein after mentioned shall be perpetual between the most Christian King, his Heirs and Successors, and the said united States.

ART. 1. The Subjects of the most Christian King shall pay no other Duties or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the said united States, or any of them, than the Natives thereof, or any Commercial Companies established by them or any of them, shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities, and Exemptions in Trade, Navigation and Commerce in passing from one Part thereof to another, and in going to and from

Agreed

[1] The original draft of this report, with the forms and certificates appended, all in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 47, folios 129–149. The report was sent to the printer and two copies of the printed form are in the same volume, folios 151 and 161. One was used during the discussion for noting the action taken, and the other contains manuscript notes by James Wilson. Wilson probably used his copy in preparing the Instructions, printed under September 24. The printed report was substantially the document prepared by Adams, save that the King or the United States are never mentioned by name. Thus the first article reads in print: "There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between A. and B. and the subjects of A. and of B. and between the countries, islands, cities and towns situate under the jurisdiction of A. and of B. and the people and inhabitants thereof of every degree, without exception of persons or places; and the Terms herein after mentioned shall be perpetual between A. and B." The first of the printed reports is designated as No. 1. in these notes and what is taken from the second will be noted as "James Wilson." No. 1. carries an endorsement: "Plan of treaties, gone through in com^ee of the whole Aug. 27, 1776, and recommitted, that instructions may be drawn conformable thereto. August 29, 1776. The Com^ee farther empowered to prepare such instructions as to them shall seem proper and to make report thereof to Congress. The final form of the Plan is printed under September 17, *post*.

[2] In the margin is written: "Coll. of State Tracts, 109. Coll. of Sea Laws, 541."

the same, from and to any Part of the World, which the said Natives, or Companies enjoy.[1]

ART. 2d. The Subjects, People and Inhabitants of the said united States and every of them shall pay no other Duties, or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities or Towns of the most Christian King, than the Natives of such Countries, Islands, Cities, or Towns of France, or any commercial Companies established by the most Christian King shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Navigation and Commerce, in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.[3]

Pass'd[2]

ART. 3. The most Christian King shall endeavour, by all the Means in his Power to protect and defend all Vessells, and the Effects belonging to the Subjects, People or Inhabitants of the said united States, or any of them, being in his Ports, Havens, or Roads, or on the Seas, near to his Countries, Islands, Cities, or Towns, and to recover and restore, to the right owners, their Agents or Attornies, all such Vessells, and Effects, which shall be taken, within his Jurisdiction; and his Ships of War, or any Convoys sailing under his Authority, shall upon all occasions, take under their Protection all Vessells belonging to the Subjects, People or Inhabitants of the said united States, or any of them, and holding the same Course, or going the same Way, and shall defend such Vessells as long as they hold the same Course, or go the same Way against all Attacks, Force, and Violence, in the same manner, as they ought to protect and defend Vessells belonging to the Subjects of the most Christian King.

Pass'd[4]

ART. 4. In like manner the said united States, and their Ships of War and Convoys sailing under their Authority shall protect and defend all Vessells and Effects belonging to the Subjects of the most Christian King, and endeavour to recover and restore them, if taken within the Jurisdiction of the said united States, or any of them.

Pass'd

[1] "The 22d Article comes in here." *James Wilson.*

[2] "The additional Resolution to follow this Article" is on margin of No. 1 of the printed reports.

[3] In the margin is written: "Q. Should there not be an exception of Asia, and perhaps of Africa."

[4] "A Resolution to be subjoined to this Article," is on margin of No. 1.

ART. 5. The most Christian King and the said united States shall not receive, nor suffer to be received into any of their Ports, Havens, Roads, Countries, Islands, Cities or Towns, any Pirates, or Sea Robbers, or afford, or suffer any Entertainment, Assistance, or Provision to be afforded to them, but shall endeavour by all Means, that all Pyrates, and Sea Robbers, and their Partners, Sharers, and Abettors be found out, apprehended, and suffer condign Punishment; and all the Vessells and Effects piratically taken, and brought into the Ports or Havens of the most Christian King, or the said united States, which can be found, altho they be Sold, shall be restored, or Satisfaction given therefor to the right owners, their Agents or Attornies demanding the same, and making the right of Property to appear by due Proof.[1]

Pass'd

ART. 6. The most Christian King shall protect, defend and secure, as far as in his Power, the Subjects, People and Inhabitants of the said united States and every of them, and their Vessells and Effects of every Kind, against all Attacks, Assaults, Violences, Injuries, Depredations or Plunderings by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other Prince, State and Power, on the Coast of Barbary in Africa and the Subjects of the said Kings, Emperors,[3] or States, and Powers, and of every of them, in the same manner, and as effectually and fully, and as much to the Benefit Advantage Ease and Safety of the said united States and every of them, and of the Subjects, People, and Inhabitants thereof, to all Intents and Purposes, as the King and Kingdom of Great Britain, before the Commencement of the present War, protected, defended, and secured the People and Inhabitants of the said united States, then called the British Colonies, in North America, their Vessells and Effects, against all such Attacks, Assaults, Violences, Injuries, Depredations and Plunderings.[4]

Pass'd[2]

[1] In the margin is written: "See all the Articles in Sea Laws from pa. 544 to 549. Art. 19, and 24 in pa. 542. Art. 10, in pa. 520. Art. 5, in p. 519, if proper."

[2] "With additional R" is on margin of No. 1.

[3] The printed report ends with this word of the text, adding "&c. in as full a manner, &c."

[4] "If France should undertake an Expedition to recover what she lost in the West Indies during the last War with G. Britain, we will in that Expedition supply France with Provisions and refuse to supply any to G. Britain.

"Qu. Whether it would not be proper if it should be insisted upon, to accede to

ART. 7. ~~If the most Christian King shall in Consequence of this Treaty, engage in a War with the King of Great Britain, the said united States, shall not assist the latter.~~

ART. 7. If, in Consequence of this Treaty, the King of Great Britain, should declare War, against the most Christian King, the said united States shall not assist Great Britain, in such War, with Men, Money, Ships, or any of the Articles in this treaty denominated Contraband Goods ~~or in any other Way. And if France to favour the said united States shall join with them in their present War against Great Britain, they shall not make a seperate Peace.~~[2]

P. P.[1]

ART. 8. In Case of any War between the most Christian King and the King of Great Britain, the most Christian King, shall never invade, nor under any pretence[3] attempt ~~to invade or get Possession for~~, to possess himself of Labradore, New Britain, Nova Scotia, Accadia, Canada, Florida, nor any of the Countries, Cities, or Towns, on the Continent of North America, nor of the Islands of Newfoundland, Cape Breton, St. John's, Anticosti[4], nor of any other Island lying near to the said Continent, in the Seas, or in any Gulph, Bay, or River, it being the true Intent and meaning of this Treaty, that the said united States, shall have the sole, exclusive, undivided and perpetual Possession of all the Countries, Cities, and Towns, on the said Continent, and of all Islands near to it, which now are, or lately were under the Jurisdiction of or Subject to the King or Crown of Great Britain, whenever the ~~same can be invaded, and conquered by the said united States, or shall in any manner submit to or be~~ shall be united or confederated with the said united States.[5]

an exclusive Contract during a Term of—— for Masts and naval Stores, as far as we can spare them?

"Qu. Whether it will not be proper to engage that the United States will not stipulate in Favour of G. Britain upon a Peace with her, Terms of Commerce more advantageous than they will stipulate in Favour of France." *James Wilson.*

[1] Postponed "for consideration" on margin of No. 1, and the last sentence of the article has been enclosed in ink lines.

[2] Although this sentence is stricken out in the Adams manuscript, it appears in the printed report.

[3] These three words were inserted by Charles Thomson. They are noted in the margin of No. 1 in his writing.

[4] Wilson adds: "Bermudas nor Bahama Islands."

[5] In No. 1 is inserted at this point, in the writing of Charles Thomson, the paragraph on fisheries that appears as Art. III in the final form, but it reads: "That A. be permitted to retain &c."

ART. 9. Nor shall the most Christian King, at any Time, make any Claim, or Demand's to the said Countries, Islands, Cities, and Towns mentioned in the next preceding Article, or any of them, or to any Part thereof, for, or on Account of any Assistance afforded to the said united States, in attacking or conquering the same, or in obtaining such a Submission, or Confederation as has been mentioned in the said Preceding Articles, nor on any other Account whatever.[1]

ART. 10. If in any War, the most Christian King, shall conquer, or get Possession of the Islands in the West Indies, now under the Jurisdiction of the King or Crown of Great Britain, or any of them, or any Dominions of the said King or Crown in ~~Europe,~~ any other Parts of the World, the Subjects, People and Inhabitants of the said united States, and every of them shall enjoy the same Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Commerce and Navigation to and from the said Islands, and Dominions, that are mentioned in the Second Article of this Treaty.

Agreed

ART. 11. It is the true Intent and Meaning of this Treaty, that no higher or other Duties shall be imposed on the Exportation of any Thing of the Growth, Production, or Manufacture of the Islands in the West Indies now belonging or which may hereafter belong to the most Christian King, to the said united States, or any of them, than the lowest that are or shall be imposed on the Exportation thereof to France or to any other Part of the World.[2]

Agreed

ART. 12. It is agreed, by and between the said Parties that no Duties whatever ~~more than~~ ~~per Gallon~~ shall ever here after be imposed on the Exportation of Mollasses, from any of the Islands and Dominions of the most Christian King in the West Indies to any of these united States.

Agreed

ART. 13. The Subjects, People, and Inhabitants of the said united States, or any of them, being Merchants and residing in France, and their Property, and Effects of every Kind, shall be exempt from the Droit de Aubeine.[3]

Agreed

[1] Against this paragraph is written "rejected." It appears in the printed form, but is stricken out with the pen in both No. 1 and the Wilson copy.

[2] "Not to be insisted on if it will imperil the Treaty." *James Wilson.*

[3] As illustrating the caution used in the printed report this paragraph is printed as follows: "The subjects or people of B. being merchants and residing in and their property and effects shall be exempt from ."

"Press this hard; but destroy not the Treaty for it." *James Wilson.*

ART. 14. The Merchant Ship of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally, and concerning whose Voyage, and the Species of Goods on board her, there shall be just Grounds of Suspicion, shall be obliged to exhibit, as well upon the high Seas as in the Ports and Havens, not only her Passports, but like wise Certificates, expressly shewing that her Goods are not of the Number of those which have been prohibited, as Contraband.[1]

Agreed

ART. 15. ~~That~~ if by the exhibiting of the abovesaid Certificates, the other Party discover there are any of those Sorts of Goods, which are prohibited and declared Contraband, and consigned for a Port under the obedience of his Enemies, it shall not be lawful to break up the Hatches of such Ship, or to open any Chest, Coffers, Packs, Casks, or any other Vessells found therein or to remove the smallest Parcells of her Goods, whether such Ship belong to the Subjects of France, or the Inhabitants of the said united States, unless the lading be brought on Shore in the Presence of the officers of the Court of Admiralty, and an Inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, untill after that due and lawfull Process shall have been had against such prohibited Goods, and the Court of Admiralty shall, by a Sentence pronounced, have confiscated the same, saving always as well the Ship itself, as any other Goods found therein, which by this Treaty, are to be esteemed free; neither may they be detained on Pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawfull Prize: But if not the whole Cargo, but only Part thereof shall consist of prohibited or contraband Goods, and the Commander of the Ship shall be ready and willing to deliver them to the Captor who had discovered them, in such Case the Captor having received those Goods, shall forthwith discharge the Ship, and not hinder her by any Means freely to prosecute the Voyage on which she was bound.[2]

Agreed

ART. 16. On the Contrary, it is agreed, that whatever shall be found to be laden[3] by the Subjects and Inhabitants of either Party, on any

[1] "Ships carry'd into Port in Consequence of this Article on supposed [just] Grounds of Suspicion but proving innocent, shall be entitled to Satisfaction for the Expences and Damages by Delay, &c." *James Wilson.*

[2] "Enemies Goods on Board the Ships of either party liable to Capture." *James Wilson.*

[3] This word was printed "taken" in No. 1.

Ship belonging to the Enemy of the other, or to his Subjects, the whole, although it be not of the Sort of prohibited Goods, may be confiscated in the same Manner as if it belonged to the Enemy himself, except such Goods and Merchandises as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done without Knowledge of such Declaration. So that the Goods of the Subjects and People of either Party, whether they be of the Nature of such as are prohibited, or otherwise which, as, is aforesaid, were put on board any Ship belonging to an Enemy before the War, or after the Declaration of the Same, ~~within the Time and~~ without Knowledge of it, shall noways be liable to Confiscation, but shall well and truly be restored without delay to the Proprietors demanding the same—but so as that if the said Merchandises be contraband, it shall not be any Ways lawfull to carry them after wards to any Ports belonging to the Enemy.

Agreed

Art. 17. And that more effectual Care may be taken, for the Security of the Subjects, and Inhabitants of both Parties, that they suffer no Injury by the Men of War or Privateers of the other Party, all the Commanders of the Ships of the most Christian King, and of the said united States and all their Subjects and Inhabitants, shall be forbid, doing any Injury, or Damage to the other Side; and if they act to the contrary, they shall be punished, and shall more over be bound to make Satisfaction for all matter of Damage, and the Interest thereof, by Reparation, under the Pain and Obligation of their Person and Goods.

Agreed

Art. 18. All Ships, and Merchandises, of what Nature so ever, which shall be rescued out of the Hands of any Pirates, or Robbers on the high Seas, shall be brought into some Port of either State, and shall be delivered to the Custody of the officers of that Port, in order to be restored entire to the true Proprietor, as soon, as due and sufficient Proof shall be made, concerning the Property, thereof.

Agreed

Art. 19. It shall be lawfull for the Ships of War of either Party and Privateers, freely to carry whither so ever they please, the Ships and Goods, taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested, or seized, when they come to, and enter the Ports of either Party; nor shall the Searchers, or other Officers of those Places search

Agreed

the same, or make Examination concerning the Lawfullness of such Prizes, but they may hoist Sail, at any Time and depart and carry their Prizes to the Place expressed in their Commissions, which the Commanders of such Ships of War shall be obliged to shew: on the Contrary, no Shelter, or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects, People, or Property, of either of the Parties; but if such should come in, being forced by Stress of Weather, or the Danger of the Sea, all proper Means shall be vigorously used, that they go out, and retire from thence as soon as possible.

ART. 20. If any Ships belonging to either of the Parties, their People, or Subjects shall, within the Coasts or Dominions of the other, stick upon the sands or be wrecked, or suffer any other Damage, all friendly assistance and Relief shall be given to the Persons Ship wrecked, or such as shall be in danger thereof; and Letters of Safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the Return of every one to his own Country.

Agreed

ART. 21. That in Case the Subjects and Inhabitants of Either Party, with their Shipping, whether public, and of War, or private and of Merchants be forced through Stress of Weather, Pursuit of Pirates or Enemies or any other urgent Necessity, for Seeking of Shelter and Harbour to retreat, and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports, or Shores, belonging to the other Party; they shall be received and treated with all Humanity, and Kindness, and enjoy all friendly Protection and Help; and they shall be permitted to refresh and provide themselves, at reasonable Rates, with Victuals and all Things needfull for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of their Voyage; and they shall no Ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any Lett or Hindrance;

Agreed

ART. 22. The Subjects, Inhabitants, Merchants, Commanders of Ships, Masters and Mariners of the States, Provinces, and Dominions of each Party respectively, shall abstain and forbear to ~~trade and~~ fish in all Places possessed, or which shall be possessed by the other Party The most Christian

Agreed[1]

[1] In margin of No. 1 is written, in the writing of Charles Thomson: "to be transposed and placed so as immediately to follow the 8th."

Kings Subjects shall not fish in the Havens, Bays, Creeks, Roads, Coasts, or Places, which, the said united States hold or shall hereafter hold: and in like manner, the Subjects, People, and Inhabitants of the said united States, shall not fish in the Havens, Bays, Creeks, Roads, Coasts, or Places, which the ~~said~~ most Christian King possesses, or shall hereafter possess; and if any Ship or Vessell shall be found ~~trading~~ fishing, contrary to the Tenor of this Treaty, the said Ship or Vessell, with its Lading, Proof being made thereof, shall be confiscated;—

ART. 23. For the better promoting of Commerce on both Sides, it is agreed, that if a War should break out between the Said two Nations, Six Months, after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they live, for selling and transporting their Goods and Merchandizes; and if any Thing be taken from them, or any Injury be done them within that Term by either Party, or the People or Subjects of either, full Satisfaction shall be made for the Same.

Agreed

ART. 24. No Subjects of the most Christian King, shall apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the said united States or any of them, or against the Subjects, People, or Inhabitants of the said united States or any of them, or against the Property of any of the Inhabitants of any of them, from any Prince, or State with which the said united States shall be at War:[1]

Agreed

Nor shall any Citizen, Subject, or Inhabitant, of the said united States or any of them, apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the Subjects of the most Christian King or any of them, or the Property of any of them, from any Prince or State, with which the said King shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

ART. 25. It shall not be lawfull for any foreign Privateers not ~~being~~ belonging [to] Subjects of the ~~said~~ most Christian King, nor Citizens of the said united States, who have Commissions from any other Prince or State, in Enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to Sell what they have taken, or in any other manner whatsoever to exchange either Ships, Merchan-

Agreed

[1] In the margin is written: "comp. Coll. Treaties pa. 20."

dizes, or any other Lading: neither shall they be allowed even to purchase Victuals, except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.[1]

ART. 26. It shall be lawfull for all and Singular the Subjects of the said most Christian King, and the Citizens, People, and Inhabitants of the said united States, to Sail with their Ships, with all manner of Liberty and Security; no distinction being made, who are the Proprietors of the Merchandizes laden there on from any Port, to the Places of those who now are, or hereafter shall be at Enmity with the most Christian King, or the united States. It shall likewise be lawfull for the Subjects and Inhabitants aforesaid, to sail with the Ships and Merchandizes aforementioned; and to trade with the same Liberty, and Security, from the Places, Ports, and Havens of those who are Enemies of both or either Party, without any opposition or Disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places; but also from one Place belonging to an Enemy, to another Place belonging to an Enemy, whether they be under the Jurisdiction of the same Prince or under Several: And it is hereby Stipulated that free Ships shall also give a Freedom to Goods, and that every Thing shall be deemed to be free and exempt, which shall be found on board the Ships, belonging to the Subjects of either of the Confederates; although the whole Lading or any Part thereof, should appertain to the Enemies of Either, Contraband Goods being always excepted. It is also agreed in like manner, that the same Liberty, be extended to Persons, who are on board a free Ship with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual Service of the Enemies.[2]

Agreed

ART. 27. This Liberty of Navigation and Commerce shall extend to all Kinds of Merchandizes, excepting those only which are distinguished by the Name of Contraband: and under this Name of Contraband, or prohibited Goods, shall be comprehended Arms, Great Guns, Bombs with their Fuzees, and other Things belonging to them; Fire-Balls, Gunpowder, Match, Cannon Ball, Pikes, Swords, Lances, Spears, Halberds, Mortars, Petards, Granadoes, Saltpetre, Musketts, Muskett Balls, Hel-

Agreed

[1] In the margin is written "pa. 4." "This not to be insisted upon." *James Wilson.*

[2] "This to be obtained if possible; but not to be insisted on so as to break off the Treaty." *James Wilson.*

mets, Head Pieces, Breast Plates, Coats of Mail, and the like Kinds of Arms proper for arming Soldiers, Muskett-rests, Belts, Horses with their Furniture, and all other war like Instruments whatever.[1] These Merchandizes which follow, shall not be reckoned among Contraband or prohibited Goods; that is to Say, all Sorts of Cloths, and all other Manufactures woven of any Wool, Flax, Silk, Cotton, or any other Materials whatever; all Kinds of Wearing apparell, together with the Species whereof they are used to be made; Gold and Silver, as well coined as uncoined, Tin, Iron, Lead, Copper, Brass, Coals; as also Wheat and Barley, and any other Kind of Corn and Pulse; Tobacco, and likewise all manner of Spices; Salted and Smoaked Flesh, Salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars, and all Sorts of Salt; and in general, all Provisions which Serve for the Nourishment of Mankind, and the Sustenance of Life: Furthermore, all Kinds of Cotton, Hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail Cloths Anchors, and any Parts of Anchors; also Ships Masts, Planks, Boards, and Beams, of what Trees Soever; and all other Things proper either for building or repairing Ships, and all other Goods whatever which have not been worked into the Form of any Instrument or Thing prepared for War, by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other use; all which shall wholly be reckoned among free Goods; as likewise all other Merchandizes and Things which are not comprehended, and particularly mentioned in the foregoing Enumeration of Contraband Goods; So that they may be transported and carried in the freeest Manner by the Subjects of both Confederates,[2] even to Places belonging to an Enemy, such Towns or Places being only excepted as are at that time besieged, blocked up, or invested.

Art. 28. To the End that all manner of Dissentions and Quarrells may be avoided and prevented on one Side and the other, it is agreed, that in Case either of the Parties hereto, should be engaged in War, the Ships and Vessells belonging to the Subjects or People of the other Ally, must be furnished with Sea Letters or Passports expressing the Name, Property and Bulk of the Ship, as also the Name and Place of Habitation of the

Agreed

[1] Charles Thomson has written on the margin of No. 1, but struck out: "indigo and all other materials for dying." It is also written on the Wilson copy.

[2] "Qu. Whether this should not be 'Partner.'" *James Wilson.*

Master or Commander of the said Ship, that it may appear thereby, that the Ship really and truly belongs to the Subjects of one of the Parties; which Passports shall be made out and granted according to the Form annexed to this Treaty; they shall likewise be recalled every Year that is, if the Ship happens to return home within the Space of a Year. It is likewise agreed, that such Ships being laden, are to be provided, not only with Passports as abovementioned, but also with Certificates, containing the Several Particulars of the Cargo, the Place whence the Ship sailed, and whither She is bound; that so it may be known whether any forbidden or contraband Goods, be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship Set Sail, in the accustomed Form. And if any one shall think it fit or advisable to express in the said Certificates the Person to whom the Goods on board belong, he may freely do so.

Art. 29. The Ships of the Subjects and Inhabitants of either of the Parties, coming upon any Coast belonging to either of the said Allies, but not willing to enter into Port, or being entered into Port, and not willing to unload their Cargoes, or break Bulk, shall not be obliged to give an Account of their Lading, unless they should be Suspected, upon some manifest Tokens, of carrying to the Enemy of the other Ally, any prohibited Goods called Contraband. And in Case of such manifest Suspicion, the said Subjects and Inhabitants, of either of the Parties, shall be obliged to exhibit in the Ports, their Passports and Certificates, in the manner before Specified.

Agreed

Art. 30. That if the Ships of the said Subjects, People or Inhabitants of either of the Parties, shall be met with, either Sailing along the Coasts, or on the high Seas, by any Ship of War of the other, or by any Privateers, the said Ships of War or Privateers, for the avoiding of any disorder, shall remain out of Cannon Shot, and may send their Boats, aboard the Merchant Ship, which they shall so meet with, and may enter her to the Number of two or three Men only, to whom the Master or Commander of such Ship or Vessell shall exhibit his Passport, concerning the Property of the Ship, made out according to the Forms inserted in this present Treaty; and the Ship when she shall have shewed such Passport, shall be free and at Liberty to pursue her Voyage, so as it shall not be lawfull to molest or search her in any Manner, or to give her Chase, or force her to quit her intended Course.

Agreed

To succeed the 30th Article[1]

It is also agreed that all Goods when once put on board the Ships or Vessels of either Parties shall be subject to no farther Visitation, but all Visitation or Search shall be made before Hand; and all prohibited Goods shall be stopt on the Spot, before the same be put on board the Ships or Vessels of the respective State: Nor shall either the Persons or Goods of the Subjects of His most christian Majesty or the United States be put under any Arrest or molested by any other Kind of Embargo for that Cause; and only the Subject of that State by whom the said Goods have been or shall be prohibited and shall presume to sell or alienate such sort of Goods shall be duly punished for the Offence.

Form of the Passports and Letters, which are to be given, to the Ships and Barks, which shall go according to the twenty-seventh[2] *Article of this Treaty.*

To all who shall See these Presents Greeting: It is hereby made known, that Leave and Permission has been given to Master and Commander of the Ship called of the Town of Burthen Tons or thereabouts, lying at present in the Port and Haven of and bound for and laden with after that his Ship has been visited, and before Sailing, he shall make Oath before the officers who have the Jurisdiction of maritime Affairs, that the said Ship belongs to one or more of the Subjects of the Act whereof shall be put at the End of these Presents; as likewise that he will keep and cause to be kept by his Crew, on board, the Marine ordinances and Regulations, and enter in the proper Office a List signed and witnessed containing the Names and Sirnames, the Places of Birth and Abode of the Crew of his Ship, and of all who shall embark, on board her, whom he shall not take on board without the Knowledge and Permission of the officers of the Marine; and in every Port or Haven where he shall enter with his Ship, he shall shew this present Leave to the officers and Judges of the Marine, and shall give a faithfull account to them of what passed and was done during his Voyage, and he shall carry the Colours, Arms, and Ensigns of the King, (or of the united States) during his Voyage. In Witness

[1] This amendment, in the writing of Edward Rutledge, is in the *Papers of the Continental Congress*, No. 47, folio 145a. It was inserted by Charles Thomson on No. 1. and by Wilson on his copy.

[2] The number is in a writing other than that of John Adams.

whereof, We have Signed these Presents, and put the Seal of our Arms thereunto, and caused the Same to be countersigned by at the Day of 17 .

Form of the Act containing the Oath.

We of the Admiralty of do certify that Master of the Ship named in the above Passport, hath taken the oath mentioned therein. Done at the Day of 17 .

Form of the Certificates to be required of and to be given by the Magistrates or officers of the Customs of the Town and Port in their respective Towns and Ports, to the Ships and Vessells, which Sail from thence, according to the Directions of the Article of this present Treaty.

We A. B. Magistrate, (or) officers of the Customs of the Town and Port of C. do certify and attest, that on the Day of the Month of in the Year of our Lord 17 D. E. of F. personally appeared before Us, and declared by a Solemn Oath, that the Ship or Vessell called G. of about Tons whereof H. I. of K. his usual Place of Habitation, is Master or Commander, does rightfully and properly belong to him and others Subjects of and to them alone: That She is now bound from the Port of L. to the Port of M. laden with the Goods and Merchandizes here under particularly described and enumerated, that is to Say, as follows.

In Witness whereof we have Signed this Certificate, and Sealed it with the Seal of our office. Given the day of the Month of in the Year of our Lord 17 .

Ordered, To lie on the table.

Resolved, That the draught of Ephraim Blaine, for two thousand dollars, for account of blankets, purchased by order of Congress for the continental troops in Virginia, be paid, and charged to account of said E[phraim] Blaine.[1]

Resolved, That the convention of Pensylvania be informed, that the Congress have agreed to the raising a

[1]A letter of Ephraim Blaine, dated July 12, is in the *Papers of the Continental Congress*, No. 165, folio 291.

batallion in the counties of Westmoreland and Bedford, for the defence of the western frontiers, and request them immediately to recommend proper persons to Congress for field officers for said batallion.

Resolved, That two members be added to the committee appointed to contract for the making cannon:

The members chosen, Mr. [Samuel] Chase and Mr. [Thomas] Heyward.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 19, 1776

Resolved, That two months pay be advanced to Colonel Kirmovan; he to be accountable.

Resolved, That an order for 400 dollars, be drawn on the treasurers, in favour of David S. Franks, in full of Brigadier General David Wooster's draught, on Jonathan Trumbull, in his favour dated at Chambly, the 30th of May, 1776.

Resolved, That the subaltern officers of the German batallion, do not rank from the dates of their commissions, but that their rank be established hereafter by Congress.

The committee of safety [of Pennsylvania], having recommended Frederick Rowlwagen, Peter Boyer, William Rice, and Jacob Bower, for first lieutenants: George Schaffer, George Hawbecker, John Landenberger, and Frederick Yeiser, for second lieutenants: John Weidman, Christian Helm, Christian [Christopher] Godfried Swartz, and Jacob Cramer, ensigns, of the four German companies raising in Pensylvania.

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Resolved, That the Declaration passed on the 4th, be fairly engrossed on parchment, with the title and stile of

"The unanimous declaration of the thirteen United States of America," and that the same, when engrossed, be signed by every member of Congress.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That General Schuyler be desired to enquire into the complaints of the soldiers under his command, and give strict orders, that no higher price be charged for the goods furnished to the soldiers, than the first cost of them, and five per cent. for charges:

That the resolution of Congress, prohibiting any officer from holding more offices than one, be sent to General Schuyler:

That a letter be written to General Schuyler, requesting him to recommend, in the strongest terms, harmony between the officers and troops of the different states; to discountenance and suppress all provincial reflections and ungenerous jealousies of every kind, and to promote, by every possible means, discipline, order, and zeal in the public service.

Resolved, That it be earnestly recommended to the convention of Pensylvania, to hasten, with all possible expedition, the march of the associators into New Jersey, agreeable to a former request of Congress.

Resolved, That the delegates of Maryland be directed to inform the commanding officer of the Maryland troops, that the Congress expect he will immediately march with his troops to New York.

The committee appointed to prepare a resolution for subjecting to confiscation the property of the subjects of Great Britain, &c. brought in the same, which was read:

Ordered, To lie on the table, and that the same be taken into consideration on Monday next.

The Congress proceeded to the election of a deputy adjutant general for the flying camp; and the ballots being taken,

Samuel Griffin, Esqr was elected.

Resolved, That Mr. Griffin, as deputy adjutant general, have the rank of colonel.

Resolved, That the Secret Committee be empowered to contract with Mr. Mirtle for the importation of goods to the amount of £30,000 sterling, at his risque, and £15,000 sterling, at the risque of the United States of America, for the public service.

That the Marine Committee be empowered to purchase a swift sailing vessel, to be employed by the Secret Committee in importing said goods.

The committee appointed to enquire into the causes of the miscarriages in Canada, brought in a report, which was read:

Ordered, To lie on the table.

Resolved, That the committee have leave to sit again.

The committee, to whom the letters from Lord Howe to Mr. [William] Franklin, &c. ||were referred||, brought in a report, which was taken into consideration: Whereupon,

Resolved, That a copy of the circular letters, and of the declarations they enclosed from Lord Howe to Mr. W[illiam] Franklin, Mr. Penn, Mr. Eden, Lord Dunmore, Mr. Martin, and Sir James Wright, late governors, which were sent to Amboy, by a flag, and forwarded to Congress by General Washington, be published in the several gazettes, that the good people of these United States may be informed of what nature are the commissioners, and what the terms, with the expectation of which, the insidious court of Britain has endeavoured to amuse and disarm them, and that the few, who still remain suspended by a

hope founded either in the justice or moderation of their late King, may now, at length, be convinced, that the valour alone of their country is to save its liberties.[1]

The Congress proceeded to the election of commissioners for settling the accounts of New York; and, the ballots being taken,

Mr. Wm. Denning, Mr. Thomas Smith, and Mr. James Stevenson, were elected.

A letter from General Lee dated at Charleston, South Carolina, 2 July, instant, enclosing sundry papers, was laid before Congress, and read:

Ordered, That an extract of General Lee's letter be published.

Resolved, That the committee appointed to contract for the making cannon, be empowered to contract with Messrs. Hughes for one thousand tons of cannon, on the terms [by them] proposed.

Resolved, That the paper makers in Pennsylvania be detained from proceeding with the associators to New Jersey.[2]

Adjourned to 9 o'Clock to Morrow.

SATURDAY, JULY 20, 1776

Resolved, That the letter from General Lee, with the papers enclosed, which were received and read yesterday, be referred to the Board of War.

Resolved, That the thanks of the United States of America be given to Major General Lee, Colonel William Moultrie, Colonel William Thompson, and the officers and soldiers under their command, who, on the 28th of June last, repulsed, with so much valour, the attack

[1] Printed in the *Pennsylvania Gazette*, 24 July, 1776.

[2] Printed in the *Pennsylvania Evening Post*, 27 July, 1776.

which was that day made on the state of South Carolina, by the fleet and army of his Britannic majesty:

That Mr. President transmit the foregoing resolution to General Lee, Colonel Moultrie and Colonel Thompson.[1]

A petition and memorial of Monsieur Pelissier was presented to Congress, and read:[2]

Resolved, That it be referred to the Board of War.

The committee appointed to settle a cartel for the exchange of prisoners, brought in their report, which was read:

Ordered, To lie on the table, and that the same be taken into consideration on Monday next.

~~Resolved, That the commander in chief in each department be empowered to negotiate an exchange of prisoners, in the following manner: One cont.~~[3]

~~Resolved, That this Congress will on Thursday next resolve itself into a Committee of the Whole, to take into consideration the plan of treaties.~~

The convention of Pensylvania having directed the common prisoners to be removed from the new jail to the old, and the said new jail to be given up to the Congress for the use of the state prisoners,

Resolved, That Robert Jewel be appointed keeper of said new jail, and that he take custody of the prisoners committed to his charge.

Resolved, That the plan of treaties be printed for the use of the members, under the restrictions and regulations prescribed for printing the plan of confederation; and that, in the printed copy, the names of persons, places and states, be omitted.[4]

[1] A copy of Hancock's letter to Moultrie conveying these thanks is in the *Papers of the Continental Congress*, No. 158, folio 533.

[2] This petition is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 73.

[3] These resolves were finally adopted on July 22, *post*.

[4] See under July 18, p. 576, *ante*.

Resolved, That Brigadier General Lewis be directed to forward to South Carolina, the whole five tons of powder sent to him for the use of Virginia and South Carolina.

Resolved, That the sum of 3,000 dollars, part of the ten thousand dollars voted for the commissioners of Indian affairs in the middle department, be advanced to Mr. James Wilson, to be by him forwarded to the commissioners appointed to attend the treaty at Pittsburg.

Resolved, That the sum of 210 dollars be advanced to ———, the captain of the guard, who is to escort the prisoners from New Jersey to the place of their destination, in order to defray expences; he to be accountable.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That a brevet commission of lieutenant colonel be granted to Mons. Jacque Antoine de Franchessin, a knight of the order of St. Louis, an experienced officer in the French service, and who is well recommended in letters from abroad; and that he be ordered to join the flying camp.

Resolved, That Dr. Senter be recommended to Dr. Morgan; who is desired to examine him; and if, ||upon examination,|| he finds him qualifyed, to employ him in the hospital as a surgeon.

A letter of the 19, from General Washington, enclosing sundry papers; and,

A letter of the 13th, from Governor Trumbull, with a list of the cannon at New London, were laid before Congress and read.[1]

Resolved, That the deputy quarter master general [for the flying camp,] be directed to deliver to Colonel Small-

[1] The letter from Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 243. It is printed in *Writings of Washington* (Ford), IV, 275. That of Trumbull is in No. 66, I, folio 211.

wood, for the use of the Maryland troops, such necessaries, as he has, belonging to the continent, as the said troops may want.

The delegates of Pensylvania produced credentials of a new appointment, which were read as follows:

IN CONVENTION FOR THE STATE OF PENNSYLVANIA,
Saturday, July 20, 1776.

The House met According to Adjournment; when, according to the Order of the Day, they Immediately proceeded to the Election of Delegates to Serve in the Continental Congress; and chose for that Service, Dr. Benjamin Franklin, Colonel George Ross, George Clymer, Esqr Robert Morris, Esqr Colonel James Wilson, John Morton, Esqr Dr. Benjamin Rush, Colonel James Smith, and George Taylor, Esqr

I do hereby certify the above to be a true Extract from the Minutes.

JOHN MORRIS, *Secretary.*

Resolved, That Colonel Haslet be ordered immediately to march with the troops under his command, to Philadelphia, thereto wait the further order of Congress.

Resolved, That the sum of 200,000 dollars be sent to the deputy pay master general for Virginia; he to be accountable.

The convention of Pensylvania having recommended gentlemen for field officers of the batallion ordered to be raised for the defence of the western frontiers, the Congress proceeded to the election; when,

Æneas M'Coy was elected colonel; George Wilson, lieutenant colonel; Richard Butler, major.

Resolved, That the sum of 12,500 dollars be advanced to Colonel M'Coy, for the bounty and expence of raising said batallion; he to be accountable.

John Boyd is elected pay master to said batallion.

The Committee of Claims reported, that there is due,

To Captain Dundee, for his subsistence to the 19th instant, and for carriage of baggage, 86 dollars:

To Dr. Beaumont, to the same date, 85 22/90 dollars:

To Ensign William M'Leod, to 20th instant, 110 60/90 dollars:

To Finley Miller, surgeon's mate, 26th regiment, to the 19th of July instant, 79 dollars:

To Arthur Wadman, lieutenant of the 26th regiment, to the 22d of July instant, 162 60/90 dollars:

To James Gill, surgeon of artillery, to the 19th of July instant, 74 dollars:

To Jacob Shalets, lieutenant of artillery, to the 19th of July inst. 74 dollars:

To Lieutenant Ibbetson Hamar, to the 19th of July instant, 40 dollars:

To Captain Heskett, for carriage, 75 30/90 dollars; and, that the same ought to be paid, agreeable to their request, to Peter Dundee, captain of the royal fuzileers:

That there is due to Michael Brecht, for provisions and attendance of sick soldiers at Reading, the sum of 17 42/90 dollars:

To Bryan Lefferty, a hostage sent by General Schuyler, for his subsistence and expences from Tryon county to Philadelphia, 41 30/90 dollars:

Ordered, That the said accounts be paid.

Resolved, That Dr. [Benjamin] Franklin may, if he thinks proper, send an answer to the letter he received from Lord Howe.

The committee appointed to devise ways and means for encreasing the flying camp, brought in their report, which was read and taken into consideration: Whereupon,

Resolved, That Brigadier General Lewis be directed to order two batallions of the continental troops, in Virginia, to march, with all possible despatch, to the flying camp, in New Jersey, under the command of General Mercer; and that if the governor and privy council of Virginia

shall have reason to apprehend an invasion of that state, and shall call to its defence an equal number of minutemen or militia, the same, while in service, shall be on the pay and support of the continent:

That the convention of Pensylvania be requested to augment their quota for the flying camp, with four batallions of militia, and the convention of New Jersey to raise, for the said flying camp, three batallions of militia, in addition to those formerly desired by Congress, and send the same, with all possible despatch, to the said flying camp. And, that these several batallions be officered, paid and provided, as directed by the former resolutions for forming said camp.

Resolved, That in case Mr. Heyman Levy order any money to be paid in Albany to the deputy pay master general for the northern department, the same shall, upon advice of such money so paid, be repaid to him or his order in Philadelphia.

Adjourned to 9 o'Clock on Monday.

MONDAY, JULY 22, 1776

A letter of the 20th, from the convention of New Jersey, and one of the 19th, from Ephraim Anderson, and a petition from Levi Allen, were laid before Congress, and read.[1]

Resolved, That the letter from General Washington, received and read on Saturday last, be referred to the Board of War.

The Congress took into consideration the report of the committee respecting an exchange of prisoners; Whereupon,

[1] The letter of the convention of New Jersey is in the *Papers of the Continental Congress*, No. 68, folio 195. That of Anderson is in No. 78, I, folio 11. That of Levi Allen is in No. 42, I, folio 15. With it is a letter of recommendation signed by leading Connecticut officers in the army.

Resolved, That the commander in chief in each department be empowered to negotiate an exchange of prisoners in the following manner: one continental officer for one of the enemy of equal rank, either in the land or sea service, soldier for soldier, sailor for sailor, and one citizen for another citizen:

That each state hath a right to make any exchange they think proper for prisoners taken from them or by them.

Resolved, That the several commanders in chief, in each department, be directed to exchange any officer in the British service, now a prisoner in any of these states, of or under the rank of colonel, for Colonel Ethan Allen.[1]

Resolved, That the persons taken prisoners with Colonel Ethan Allen, be put upon the same footing as those in the continental service, and exchanged accordingly, as opportunity presents.[1]

The Congress resumed the consideration of the report of the committee of ways and means; and, after debate, the same was disagreed to.

The committee appointed to contract with Messrs. Hughes for one thousand tons of cannon, for the use of the United States, reported, that they have executed the contract, in which is a covenant to advance Messrs. Hughes 8,000 dollars.

Resolved, That an order for 8,000 dollars be drawn on the treasurers, in favour of Daniel and Samuel Hughes; they to be accountable.

Resolved, That the Board of Treasury be directed to make immediate preparation for striking a farther sum of five millions of dollars in bills of credit.

[1] In the *Papers of the Continental Congress*, No. 42, I, folio 23, is a single sheet containing these two resolutions, the second being in the writing of Charles Thomson. The first sentence reads: "On reading the Memorial of Levi Allen, ordered." They were published in the *Pennsylvania Evening Post*, 1 August, 1776. An added paragraph reads: "All the printers are desired to publish the above order for the benefit of Col. Allen, who has suffered much in the cause of his country."

Resolved, That Captain Joy have liberty to employ eight prisoners ~~by him heretofore employed~~ in the business of casting cannon.

The Board of Treasury reported, that they have examined the account of the committee of Lancaster for preserving the peace of the borough, keeping the prisoners in order, and for the protection of the magazines, and find, that there is due, for the pay of the guard, as follows:

39 days to the captains, at 26 2/3 dollars per month, 34 60/90ths dollars:

76 days to the lieutenants, at 18 dollars per month, 45 54/90ths dollars:

27 days to the ensigns, at 13 1/3 dollars per month, 12 dollars:

143 days to the serjeants, at 8 dollars per month, 38 12/90ths dollars.

140 to corporals
141 to fifers
140 to drummers } 421 days at 7 1/3 dollars per month, 102 60/90ths dollars:

1470 days to privates, at 6 2/3 dollars per month, 326 60/90ths dollars; the whole amounting to 559 66/90ths dollars:

Ordered, That the said sum be paid.

The Congress resolved itself into a committee of the whole, to take into consideration the articles of Confederation; and, after some time, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have ~~had under consideration the articles of confederation and~~ made some progress in the matter to them referred; but, not having finished, desire leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of Confederation.

The Marine Committee having recommended the following gentlemen for officers of the *Rawleigh*, namely,

Peter Shores, John Wheelwright, Josiah Shackford, lieutenants; George Jerry Osborne, captain of marines; Stephen Meads, first lieutenant; Nathaniel Thwing, second lieutenant:

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, JULY 23, 1776

Sundry letters were received, and read, viz.

One from General Washington of the 21:

Another from do. of the 22d, with three papers enclosed:

One from Governor Cooke of the 16:

Two from Brigadier H. Mercer, of the 22d, with two papers enclosed.[1]

Resolved, That the letters from General Washington be referred to the Board of War.

Resolved, That the report of the committee on the cartel entered into between Brigadier General Arnold and Captain Foster, and the resolutions passed thereon, be published.

A letter from Brigadier General Mercer of the 20th, was laid before Congress and read.[2]

Resolved, That it be referred to the Board of War.

Resolved, That twenty dollars be advanced to Isaac Manes, a wounded soldier in Captain Cheeseman's company, and that he be sent to the general hospital.

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 261 and 265. That of the 22d is printed in *Writings of Washington* (Ford), IV, 282. That from Governor Cooke is in No. 64, folio 360.

[2] The letters of Mercer are in the *Papers of the Continental Congress*, No. 159, folio 145.

The Board of War reported, that they have heard and considered several matters alleged against the arrangement made in the regiment ordered to be raised under Colonel Dubois, and are of opinion, that no good purpose would be answered by making any alteration therein; and although many worthy officers who served in Canada are yet unemployed, the Board can only lament that they are not in the service, but hope something will, in future, turn up to enable Congress to place them in stations equal to their merit:

The same being again read, was agreed to.

On the remainder of the report from the Board of War, the Congress came to the following resolutions:

Resolved, That General Washington be informed that Congress have such an entire confidence in his judgment, that they will give him no particular directions about the disposition of the troops, but desire that he will dispose of those at New York, the flying camp and Ticonderoga, as to him shall seem most conducive to the public good:

Resolved, That Congress approve of General Washington's having lent to the convention of New York, the sum of money mentioned in his letter of the 19th instant:

Resolved, That Monsieur St. Martin be appointed an engineer, ~~in the southern department~~ with rank of lieutenant colonel, and that he be directed to repair to New York, and put himself under the command of General Washington.

Resolved, That Dr. David Griffith be appointed to the stations of chaplain and surgeon in the third Virginia regiment, he being a person of uncommon merit, and there being very few surgeons of abilities who will enter into the army in that state; this appointment not to be drawn into precedent:

That Mr. Griffith draw pay in both these capacities, for the time he has served in the regiment.

The Committee of Claims reported, that there is due,

To Dennis Lefferty, for twenty-six weeks board, the sum of fifty-two dollars, and that the same ought to be paid to Timothy Matlack:

To William White, for boarding General Lee's guards, the sum of 40 60/90 dollars:

To George Haas, for carrying money to New York, the sum of 26 60/90 dollars:

To William Bradford, for the expences of a guard escorting money to New York, the sum of 88 57/90 dollars:

To Rachel Ewens, for boarding a sick soldier, the sum of 3 dollars:

To Robert Owen, Junior, for provisions furnished several riffle companies, 64 86/90 dollars:

To Peter Grosets, for provisions to several riffle companies, the sum of 61 46/90 dollars, and that this ought to be paid to said Robert Owen, Junr.

Ordered, That the said accounts be paid.

Resolved, In order to hasten the march of the troops, that the several committees of Lancaster, York, Cumberland, Berks, and Northampton ||counties, in Pennsylvania,|| be empowered to muster the troops that shall march from their several counties, and to draw for one month's pay on Mr. James Mease, pay master, and that they certify the muster rolls, and send the receipts to the pay master for the moneys that shall be so advanced.

Resolved, That a member be added to the Board of Treasury, in the room of one absent:

The member chosen, Mr. [George] Clymer.

The Congress, agreeable to the order of the day, resolved itself into a committee of the whole, to take into

their farther consideration the articles of confederation; and, after some time, the president resumed the chair, and Mr. [Benjamin] Harrison reported, the committee have made farther progress in the matter to them referred, but not having finished, desired him to move for leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

A petition from a number of inhabitants of Chester county, in Pensylvania, was presented to Congress and read, praying that John Griffith, a soldier in the continental army, an experienced artificer in making and dressing fullers' shears, may be released from the army, and ordered to return home to follow his trade:

Resolved, That the prayer of the petition be granted.

A petition from sundry Canadians was presented to Congress, and read:

[*Resolved*, That it be] referred to the Canada committee.

The Marine Committee having recommended Richard Palmes to be captain of marines,

Resolved, That he be accepted, and a commission be granted to him accordingly.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JULY 24, 1776

A letter from Lieutenant Colonel William Allen was laid before Congress, and read, praying leave to resign his commission:[1]

Resolved, That leave be granted.

The Marine Committee having recommended Benjamin Thompson to be a lieutenant of marines in Captain Palmes's company,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 15.

Resolved, That he be accepted, and that a commission be granted to him accordingly.

Resolved, That the committee appointed to revise the Journal, be empowered to employ a proper person to make an index to the Journal.

The Board of Treasury reported, that the pay of Brigadier General Wooster, commencing the 22d day of June, 1775, and calculated to the 22d day of July, 1776, thirteen months, at 125 dollars per month, amounts 1625 dollars; out of which is to be deducted one hundred and seventy-three dollars and 24/72 parts of a dollar, paid him by John Winslow, Esqr the pay master; the residue due to the general is 1451 48/72 dollars:

Ordered, That the same be paid.

Resolved, That the sum of one hundred dollars be advanced to Captain Robert Johnson, to be deducted out of his pay on the settlement of his account.

A petition from George Kitts was presented to Congress and read:

Resolved, That it be referred to the Board of War.

The Congress resumed the consideration of the report of the committee appointed to prepare a resolution for confiscating the property of the subjects of the crown of Great Britain; and thereupon, came to the following resolution:

Whereas these United States have by a long series of oppressions, been driven into a war with Great Britain and at last to the necessity of declaring themselves free and independent States; and as it is impossible to distinguish among the subjects of the same sovereign, between those who are friends and such as are enemies to the rights of America and Mankind, it is become necessary to consider as enemies all the subjects of the King of Great Britain and all others, who aid, abet adhere to or

in any way assist him in his unjust and cruel designs against these states; Therefore,[1]

Resolved, That all the resolutions of this Congress, passed on the twenty third day of March last, and on the third day of April last, relating to ships and other vessels, their tackle, apparel and furniture, and all goods, wares and merchandises, belonging to any inhabitant or inhabitants of Great Britain, taken on the high seas, or between high and low water mark, be extended to all ships and other vessels, their tackle, apparel and furniture, and all goods, wares and merchandises, belonging to any subject or subjects of the King of Great Britain, except the inhabitants of the Bermudas, and Providence or Bahama islands; ~~or to any other person or persons who adhere to him or in any wise aid or abet him in his unjust war against these states.~~[2]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the regiment of rangers, now in the pay of the state of South Carolina, be placed upon continental

[1] "The preamble to the resolutions for confiscating the property of the subjects of the King of Great Britain having been this day expunged, and the resolution altered, agreeable to the one now enclosed you, I am to request you will please to erase that from the resolves I enclosed you a few days past, and substitute the one I now transmit in its place." *John Hancock to Washington*, 26 July, 1776.

The text of the resolve in the Manuscript Journals is the amended form. From the Washington Papers, *Letters to Washington*, LXXXIX, the original form is obtained, as follows:

"*Resolved*, That all the resolutions of this Congress passed on the twenty third day of March last and on the third day of April last relating to ships and other vessels, their tackle, apparel and furniture and all goods wares and merchandizes belonging to any inhabitant or inhabitants of great Britain taken on the high seas or between high and low water mark be extended to all ships and other vessels, their tackle, apparel and furniture and all goods, wares and merchandizes belonging to any subject or subjects of the said King, except the inhabitants of the Bermudas and Providence or to any other person or persons, who adhere to him or in any wise aid or abet him in his unjust war against these states."

[2] Printed in the *Pennsylvania Evening Post*, 27 July, 1776.

establishment, and that it consist of a lieutenant colonel commandant, a major, 10 captains, 20 lieutenants, a surgeon, a pay master, 20 serjeants and five hundred privates:

That the pay of the lieutenant colonel commandant of rangers, be the same as colonel of foot; the major, that of a lieutenant colonel; a captain, that of major; and the lieutenants that of captains; and serjeants that of ensigns of foot of the continental forces: That the surgeon be allowed 33 1/3 dollars a month; the pay master 26 2/3ds; and the privates 12 1/2 dollars per month, to provide themselves with horses, guns, and provisions, for themselves and horses:

That the said rangers be liable to act on horseback, or foot, as occasion may require:

That the like number of rangers be raised in the state of Georgia, and put upon continental establishment:

That these be entitled to the same pay, and subject to the same duties, as the Carolina rangers:

That the rangers, raised in the state of South Carolina, be subject to the articles formed by the convention of that state, for the government of the forces raised therein.

Resolved, That Colonel Knox's plan for raising another batallion of artillery, be approved, and carried into execution, as soon as possible:

That General Washington be desired to recommend proper officers to compose this corps.

Resolved, That General Washington be empowered to agree to the exchange of Governor Skene for Mr. [James] Lovell:

That General Washington be authorized to take into continental pay, the horse proposed by Mr. Lary, [John Leary, jr.] upon the terms by him mentioned.

On motion, *Resolved*, That the report of the committee on gold and silver coins be recommitted:

That Mr. Jefferson be added to said committee.

Resolved, That a committee of three be appointed to take into consideration, and report their opinion, on the proposal made by the president of South Carolina, and communicated to the house by a delegate of that state, respecting General Lee:

The members chosen, Mr. S[amuel] Adams, Mr. E[dward] Rutledge and Mr. [Lyman] Hall.

Agreeable to order, the Congress resolved itself into a committee of the whole, to take into their farther consideration, the articles of Confederation; and, after some time, the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have made farther progress in the matter referred to them; but, not having finished, desire him to move for leave to sit again:

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration, the articles of confederation.

Sundry letters were laid before Congress, and read:

1 from General Washington, of the 23, with sundry papers enclosed, among which a letter from Mr. Fraesh to Lord Sterling; also,

One from the council of safety of North Carolina.[1]

Resolved, That the letter from Mr. Fraesh, to Lord Sterling, be referred to the committee [appointed to contract] for casting cannon;

That the General's letter, with the other papers enclosed, be referred to the Board of War.

Adjourned to 9 o'Clock to Morrow.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 275. That of the council of North Carolina is in No. 72, folio 17.

THURSDAY, JULY 25, 1776

Resolved, That two months' pay be advanced to Mons. Jacque Antoine de Franchessin; he to be accountable.

A memorial of Samuel Holden Parsons, of Lyme, in Connecticut, was presented to Congress, and read:

Resolved, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] Jefferson, Mr. [James] Wilson, and Mr. [Roger] Sherman.

A memorial from sundry officers who served in Canada, and are now unemployed, was laid before Congress, and read:

Resolved, That it be referred to the Board of War.

Agreeable to order, the Congress resolved itself into a committee of the whole, to take into their farther consideration, the articles of confederation; ||after some time,|| the president resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have made farther progress in the consideration of the articles of confederation; but, not having gone through, desired leave to sit again.

A letter of the 23, from General Washington,[1] enclosing a letter from Governor Trumbull, to the General;

A letter of the 19 July, from Governor Trumbull, with sundry depositions;

One from the committee of safety of New Hampshire 16 July, [were laid before Congress, and read.]

Resolved, That the letter from General Washington be referred to the Board of War.

The Committee of Claims reported, that there is due,

To Francis Gurney, for expences of himself and others,

[1] The letter of Washington, is in the *Papers of the Continental Congress*, No. 152, II, 289. That of the Committee of Safety of New Hampshire, is in No. 64, folio 13.

escorting money to Cambridge, in February last, the sum of £61 2=162 84/90ths dollars, over and beside the money advanced to him:

To Henry Wisner, for the expences of an express paid by him, the sum of 20 dollars:

To Thomas Dewees, for boarding prisoners of state, the sum of 437 68/90ths dollars:

To David Lenox, for expences in going after deserters, the sum of 31 86/90ths dollars, to be paid to David Sproat:

To William Trickett, for stationary, the sum of 43 76/90ths dollars:

To Philip Nolan, for ferriages of General Lee's guards, the sum of 4 12/90ths dollars:

To Elizabeth Slaving, for boarding and nursing a sick soldier, the sum of 4 dollars:

To John Piling, for chairs for the war office, the sum of 12 dollars:

To John Kerling, for provisions for General Lee's guards, the sum of 4 54/90ths dollars.

To Isaac Cooper, for his attendance as a guard over powder, the sum of 11 dollars.

To Furman and Hunt, for necessaries furnished the prisoners at Trenton, the sum of 47 87/90ths dollars:

To John Bates, for camp kettles, the sum of 98 60/90ths dollars:

The Committee of Treasury also reported that there is due,

To Elijah Bennet, post rider, in the service of the United States, from Hartford, in Connecticut, to various places, amounting to £399 10 5=[1331 dollars and 66/90ths,] deducting the sum of £245 19 9 [=819 dollars and 86/90ths,] which he has received from the colony of Connecticut, the balance being £153 10 8=511 56/72 dollars.

To Michael Philips, employed by Brigadier General Wooster in making sundry repairs in the citadel and hospital in Montreal, carting, &c. the sum of £119 7 [=397 dollars and 75/90ths,] deducting the sum of £28 16 5 [=96 dollars and 7/90ths,] which he received from Major Nicholson, the balance being £90 10 7 equal to 301 68/90ths:

To James Budden, for the expence of a detachment of the troop of light horse escorting 300,000 dollars to New York, the sum of 82 dollars:

Ordered, That the said accounts be paid.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration, the Articles of Confederation.

Adjourned to 9 o'Clock to Morrow.[1]

[1] "I find myself under a necessity of applying to the honourable the General Court for leave to return home. I have attended here so long and so constantly, that I feel myself necessitated to ask the favour on account of my health, as well as on many other accounts. I beg leave to propose to the honourable Court, an alteration in their plan of delegation in Congress, which, it appears to me, would be more agreeable to the health and convenience of the members, and much more conducive to the publick good, than the present. No gentleman can possibly attend to an incessant round of thinking, speaking, and writing, upon the most intricate, as well as important concerns of human society, from one end of the year to another, without trying both his mental and bodily strength. I would therefore humbly propose, that the honourable Court would be pleased to appoint nine members to attend in Congress—three or five at a time. In this case, four or six might be at home at a time, and every member might be relieved once in three or four months. In this way you would always have members in Congress who would have in their minds a complete chain of the proceedings here, as well as in the General Court; both kinds of which knowledge are necessary for a proper conduct here. In this way, the lives and health, and, indeed, the sound minds, of the delegates here, would be in less danger than they are at present, and, in my humble opinion, the publick business would be much better done. This proposal, however, is only submitted to the honourable body, whose sole right it is to judge of it. For myself, I must entreat the General Court to give me leave to resign, and immediately to appoint some other gentleman in my room." *John Adams to the Massachusetts Assembly*, 25 July, 1776. Force, *American Archives*, Fifth Series, I, 571.

FRIDAY, JULY 26, 1776

Congress proceeded to the election of three commissioners to liquidate and settle the accounts in the northern department; and, the ballots being taken,

Mr. James Milligan, Mr. John Carter, and Mr. John Wells, were elected.

The committee on the treasury laid before Congress the account of Messrs. Price and Haywood, with the balance due to them:

Ordered, To lie on the table.

Resolved, That the substance of the conference between General Washington and Adjutant General Patterson, as transmitted by General Washington, be published.

Congress resolved itself into a committee of the whole, to take into farther consideration the articles of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee have made farther progress; but, not having concluded, desire leave to sit again.

Resolved, That this Congress will, on Monday next, resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

~~A letter from Brigadier General Sullivan, with sundry papers enclosed, was laid before Congress, and read.~~

~~Ordered, To lie on the table.~~[1]

Resolved, That an order for 2,000 dollars be drawn on the treasurers in favor of Dr. W. Shippen; he to be accountable.

[1] "Our friend General Sullivan is disgusted at the appointment of General Gates to be a Major General, and being sent to the Northern Army. By permission of the Generals Schuyler and Washington, he (General Sullivan) has left the Army, and is now here, and has petitioned Congress for leave to resign his commission. What will be done in the case I can not say, but hope it will be settled without his dismission." *Josiah Bartlett to John Langdon*, 29 July, 1776. The difficulty was settled by ordering Sullivan to New York, to be employed by Washington.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.[1]

MONDAY, JULY 29, 1776

Sundry letters were laid before Congress, and read:

Three from General Washington of 22d, 25 and 27th;

One of the 17, from General Schuyler,

One of the 16 from General Gates;

One of the 25, from Joseph Reed, adjutant general;

One from Brigadier H. Mercer, of the 26:

One of the 20th, from Governor Trumbull:

One of the 25th, from the Convention of New Jersey, and one from the council of Massachusetts bay:

One from Mons. Kirmovan, [engineer], with a plan and draughts;

One, in Latin, without signature:

~~One from Brigadier General Sullivan, of the 29, desiring to recall his petition for leave to resign his commission.~~

Two petitions, one from George Nicholson, and one from James Livingston.[2]

Whereupon,

Resolved, That the General be empowered to appoint another aid-de-camp:

[1] "The exceeding warm Season, and the constant attention of Congress to Business the last week, induc'd Congress to adjourn from Friday Eveng to this morning." *John Hancock to Washington*, 29 July, 1776.

The instructions from the Pennsylvania Convention to their Delegates in Congress, dated July 26, are in Force, *American Archives*, Fifth Series, I, 595.

[2] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 271, 297, and 301. Those of the 25th and 27th are printed in *Writings of Washington*, IV, 297, 301. That of Schuyler is in No. 153, II, folio 236. That of Gates is in No. 154, I, folio 15. That of Reed is in No. 78, XIX, folio 41. That of Mercer is in No. 159, folio 153. That of Governor Trumbull is in No. 66, I, folio 217. That of the Council of Massachusetts Bay is in No. 65, I, folio 97.

That the letters from General Washington, General Schuyler, and General Gates, and the letter from Mons. Kirmovan, be referred to the Board of War.

That the letter from the convention of New Jersey be referred to the committee on the ways and means of Augmenting the flying camp; and, that Mr. [Abraham] Clark be added to said committee:

That the letter from the adjutant general be referred to the committee appointed to revise the articles of war:

That the petition of James Livingston be referred to the ~~committee appointed to settle accounts of the army in the northern army.~~ commissioners who went into Canada:

That the petition from George Nicholson be referred to the committee on Canada affairs:

That the Latin letter be referred to the Marine Committee.

Resolved, That an order for 47 dollars be drawn on the treasurers, in favour of Josiah Fessenden, in full for service, expences, and horse hire.

A letter from the council of Verginia, of the 20th, was laid before Congress, and read.[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be empowered to order the regiment, lately raised in Connecticut, under the command of Colonel Ward, wheresoever he shall think the service requires it:

That Mons. Jean Artur de Vermonet, who appears to be a young gentleman of merit, and has held a lieutenant's commission in the service of France, be appointed a brevet captain; and that Mons. Marie Fidel

[1] This letter is in the *Papers of the Continental Congress*, No. 71, I, folio 33.

Dorrè be sent as a voluntier, to be employed by General Washington as he shall think proper:

That Mons. Christopher Pellisier, who has suffered considerably by warmly espousing and taking an active part in the cause of America, in Canada, be appointed an engineer in the service of the United States, with the pay of 60 dollars per month, and rank of lieutenant colonel; and that he be directed to repair to New York:

That the returns of Colonel Elmore's regiment, made into the war office by Brigadier General Wooster, be transmitted to General Washington, with blank commissions for the officers: And that General Washington be directed to order the said regiment to join him, and that he fill up the said commissions, with the names of such officers as appear with their respective companies in the said regiment.

That John Brown be commissioned as lieutenant colonel, and Robert Cockran, now acting as eldest captain in the said regiment, be commissioned as major of the same, in the room of Major Israel Curtis, deceased.

Resolved, That a lieutenant colonel be appointed for the second Pensylvania batallion, in the room of William Allen, who has resigned:

The ballots being taken, Joseph Wood, Esqr was elected.

The Congress resolved itself into a committee of the whole, to take into their farther consideration, the articles of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee have made some farther progress in the articles of Confederation; but, not having finished, desire leave to sit again.

A petition from Samuel Morris was presented to Congress, and read.

The Committee on Spies brought in a farther report, which was read:

Ordered, To lie on the table.

Resolved, That the gaoler be directed to allow the prisoners, from North Carolina, the use and benefit of the yard, under the inspection of the guard, provided it may be done with safety.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration the articles of Confederation.

Adjourned to 9 o'Clock to Morrow.[1]

TUESDAY, JULY 30, 1776

A letter from Brigadier Mercer, of the 28th, was laid before Congress, and read, requesting six light horse may be sent to him;

Resolved, That the president write to S. Morris, Esq[r] captain of the light horse, and request him to send six of his company to Brigadier General Mercer.

Information being given to Congress, by a letter from the president of South Carolina, that the Cherokees have commenced hostilities against that state, and that he has ~~with the advice of the council~~ ordered a body of men to march against them, and has applied for assistance to the neighbouring states of North Carolina and Virginia,

Resolved, That it be recommended to the states of Virginia, North Carolina, and Georgia, to afford all necessary

[1] "If a Confederation should take place, one great question is, how we shall vote,—whether each Colony shall count one; or whether each shall have a weight in proportion to its number, or wealth, or exports and imports, or a compound ratio of all? Another is, Whether Congress shall have authority to limit the dimensions of each Colony, to prevent those which claim, by charter, or proclamation, or commission, to the South Sea, from growing too great and powerful, so as to be dangerous to the rest?" *John Adams to his wife*, 29 July, 1776. Force, *American Archives*, Fifth Series, I, 637.

assistance to the state of South Carolina, and to co-operate, with that state, in prosecuting the war against the Indians with the utmost vigour;[1]

That the president be requested to write letters to the governor and council of Virginia, the council of safety of North Carolina, and the president of Georgia, relative to the above subjects.[2]

Resolved, That a committee of three be appointed to take into consideration the state of North Carolina, and report thereon to Congress:

The members chosen, Mr. [Benjamin] Harrison, Mr. S[amuel] Adams, and Mr. [Thomas] Lynch. [Jr.]

The Congress took into consideration the report of the committee appointed to enquire into the causes of the miscarriages in Canada, wherein they represent, as their opinion,

"That the short inlistments of the continental troops, in Canada, have been one great cause of the miscarriages there, by rendering unstable the number of men engaged in military enterprizes, by making them disorderly and disobedient to their officers, and by precipitating the commanding officers into measures, which their prudence might have postponed, could they have relied on a longer continuance of their troops in service:

"That the want of hard money has been one other great source of the miscarriages in Canada, rendering the supplies of necessaries difficult and precarious, the estab-

[1] The North Carolina Delegates wrote of this resolve: "This however is by no means intended to alter the plan of military operations which you have begun, or to draw off the Strength of our back Country to a distant part merely for the sake of acting in the same place with the South Carolinians, if the Opposition can be made as effectually in any manner devised by yourselves and from a part of your province from whence hostilities may successfully be carried into the bosom of the Cherokee Country. In fact nothing is meant but to subdue the Cherokees." *Colonial Records of North Carolina*, X, 679.

[2] The letter to North Carolina is in the *Colonial Records of North Carolina*, X, 681.

lishment of proper magazines absolutely impracticable, and the pay of the troops of little use to them:

"That a still greater, and more fatal, source of misfortune has been, the prevalence of the small pox in that army; a great proportion whereof has thereby been usually kept unfit for duty."

With this the Congress concurred.

On the farther consideration of the report, the Congress came to the following resolutions:

That Colonel Bedel be tried by a court martial for leaving his command at the Cedars, and for declining to return to the same with Major Sherburne's reinforcement:

That Major Butterfield be tried by a court martial for surrendering to the enemy the post at the Cedars, and also such other officers as were with him, and consented to that surrender.

The said committee having farther reported, that, in the course of their enquiries, they had reason to believe, that General Prescot's baggage was plundered by some licentious persons, in violation of the faith of the capitulation; Whereupon,

Resolved, That General Schuyler be desired to make strict enquiry into the same, that the persons guilty thereof may receive due punishment, and ample indemnification be made to General Prescot.

That Colonel Bedel, Doctor Fay, and Lieutenant House, be subjected to this enquiry.

Resolved, That so much of the petitions of Colonel Easton and Major Brown, as prays, that the charges against them, of having been concerned in plundering the officers' baggage, taken at Sorel, be submitted to a court of enquiry, is reasonable, and that General Schuyler be desired to order courts of enquiry on them as soon as possible.

Resolved, That General Montgomery's promise to give to the troops concerned in taking the vessels on the Sorel, "all the public stores, except ammunition and provisions, on board thereof," be confirmed; and that General Schuyler be directed to cause an enquiry to be made into the particulars and value of the said public stores, (ammunition and provision excepted) and to certify the same to Congress, with the names of the officers and soldiers entitled thereto:

Resolved, That so much of Major Brown's petition, as prays, an allowance be made to him for extraordinary services, be referred to General Schuyler, who is desired to certify to Congress, whether any and what reward may, with justice, be demanded by him:

Resolved, That Major Brown's accounts be settled by the commissioners appointed to adjust accounts in the northern department.

Resolved, That the said committee be discharged from proceeding on so much of the petition of Colonel Easton, as prays a continuance of his rank and pay, and on so much of Major Brown's petition, as prays an examination into his rank and pay, and that they be referred to the Board of War.

Resolved, That General Schuyler be desired to enquire into the conduct of Colonel Hazen, who is charged with having beaten and ill-treated François Cuillot de la Rose, a continental captain of Canadian Militia, and also to have ill-treated Charles Robert de la Fontaine, a Canadian, at Chambly, and put such conduct into a proper channel for trial and punishment:

Resolved, That it be recommended to General Schuyler, whenever the pay of officers or soldiers is stopped, on account of any charge against them, to have such charge determined by trial as speedily as possible, that there may be no delay of justice.

Resolved, That General Wooster acted properly in stopping the goods of Bernard and Waddon, who were carrying the same, without permission, to the Indians in the upper country.

Resolved, That the committee have leave to sit again, and that they be instructed to enquire in what manner the goods of Bernard and Waddon were disposed of.

Resolved, That the Secret Committee be directed to supply the 3 riffle companies, now in town from Lancaster, with 11 lb. of powder and 44 lb. of lead.

Resolved, That 500,000 dollars be sent to the pay master general.

That 60,000 dollars be sent to [R. Dallam,] the deputy pay master general, for the use of the flying camp.

The Congress proceeded to the election of an Assistant, or clerk to the Auditor general; when,

William Govett was elected.

Resolved, That William Govett be allowed the salary of 533 1/3 dollars per annum.

Resolved, That all public claims and accounts, that are, at this time, unsettled, be referred to the Committee of Treasury, and that the Committee of Claims be discharged from proceeding further upon any claims or accounts; and that all the books and papers now in the hands of the committee of claims, be delivered to the auditor general.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the resolution of the 17th of January last, allowing to officers 1 dollar and 1/3d of a dollar for every man they inlist, be extended to officers who inlist for the new army for three years:

That General Mercer's letter, relative to the building of boats, be referred to General Washington, with direc-

tion to give such orders therein as he shall judge necessary; and that he be desired to avail himself of the ship wrights and other artificers now in the flying camp:

That General Mercer be allowed a secretary while he has a separate command:

That a number of four and six pounders, not exceeding ten of each, be immediately sent to General Mercer, to be mounted on the works he is now erecting; and that the council of safety of Pensylvania be requested to forward them to Amboy, in New Jersey:

That Congress approve of General Schuyler's intention to publish such parts of the treaty with the Six Nations, as may have a tendency to dispel the apprehensions of the frontier inhabitants:

That the commissioners for Indian affairs, in the middle department, be instructed to thank Cayashuta, in the name of the great council fire, for his friendly conduct at Niagara, communicated by Peter Richman (whose Indian name is Queda) and to inform him, that it would be very agreeable to Congress to receive a visit from him.

A letter from General Washington, of the 29, and one from the council of Massachusetts bay of the 19; also a letter from Governor Cooke of the 23, with sundry papers enclosed, were laid before Congress, and read:[1]

Resolved, That the two former be referred to the Board of War.

The Board of War laid before Congress a letter they received from General Washington:

Ordered, That the Board return an answer.

The Congress resolved itself into a committee of the whole, to take into consideration the articles of confederation; and, after some time, the president resumed the

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 309. That of the Council of Massachusetts Bay is in No. 65, I, folio 93.

chair, and Mr. [John] Morton reported, that the committee, have had under consideration the articles of confederation, but not having yet finished, desired him to move for leave to sit again.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

Adjourned to 9 o'Clock to Morrow.[1]

WEDNESDAY, JULY 31, 1776

Resolved, That 20,000 dollars be advanced to Mr. James Mease; he to be accountable:

That Mr. J. Mease be directed to pay to John Pollock one thousand pounds, Pensylvania currency, [=2666 dollars and two-thirds,] and that the same be charged to the account of the committee of Inspection of Cumberland, who are to be accountable.

Resolved, That the committee for providing medicines be directed to provide, and send forward, such a quantity of medicines as may be necessary for the Hospital in the northern army:

That the said committee be directed to procure and send forward such a quantity of medicines as may be necessary for the hospital in the southern department.

[1] "I hurried to Congress, to give my little assistance to the framing a Confederacy, and a plan for a foreign alliance—both of them subjects of the utmost importance, and which, in my judgment, demand immediate despatch. The Confederacy has engaged our close attention for a week. Three great difficulties occur: Representation, the mode of voting, and the claims to the South-Sea. The whole might, in my opinion, be settled, if candour, justice, and the real interests of America were attended to. We do not all see the importance, nay, the necessity, of a Confederacy. We shall remain weak, distracted, and divided in our councils; our strength will decrease; we shall be open to all the arts of the insidious Court of Britain, and no foreign Court will attend to our applications for assistance before we are confederated. What contract will a foreign State make with us, when we cannot agree among ourselves?" *Samuel Chase to Richard Henry Lee*, 30 July, 1776. Force, *American Archives*, Fifth Series, I, 672.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That five tons of musquet powder be sent immediately to General Washington at New York:

That the commissary general be directed to furnish with rations, and the deputy pay master general, in the state of Massachusetts bay, be ordered to pay, any militia, which the general assembly of that state shall think proper to call in, to replace the continental troops ordered from thence.

The committee appointed to enquire into the causes of the miscarriages in Canada, brought in a farther report, which was taken into consideration: Whereupon,

Resolved, That the conduct of Colonel Nicholson, who commanded the post at Point Levi, and who, after the determination of the council of war to retire from before Quebec, is said to have deserted his said command, and left the party to shift for themselves, be submitted to a court of enquiry:

That the committee be discharged from so much of Colonel Easton's petition, as prays a settlement of his accounts, and that the same be referred to the Board of Treasury.

The committee appointed to take into consideration the state of North Carolina, brought in their report, which was taken into consideration: Whereupon,

Resolved, That four tons of gun powder and six four pounders, or such others as can be procured, to the weight proper for field pieces, be immediately sent to North Carolina:

That the delegates of that colony [state] employ some proper person, as a commissary, to purchase, in this city, or the neighbourhood thereof, cloathing for the troops raised in that colony [state] for the continental service:

That the three independent companies of rangers, raised in that state, be taken upon the continental pay and establishment, and that their pay and appointment be as already resolved by the convention of that state, and that they rank as the rangers raised in South Carolina and Georgia.

Resolved, That an order for 266 2/3 dollars be drawn on the treasurers, in favour of Colonel James Easton; to be accounted for by him on the final settlement of his account:

That two months' pay be advanced to Monsieur St. Martin; he to be accountable.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the articles of Confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee, not having come to a conclusion, desired leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, AUGUST 1, 1776

Sundry letters were laid before Congress, and read; viz

One of the 30th July from Brigadier General Mercer, one of the same date, from Brigadier General Roberdeau, and sundry others:[1]

Resolved, That the two first be referred to the Board of War.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the articles

[1] The letter of Mercer is in the *Papers of the Continental Congress*, No. 159, folio 157. That of Roberdeau is in No. 78, XIX, folio 45.

of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee have made farther progress, but, not having come to a conclusion, desired leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

A letter from General Washington, of the 30 July, was laid before Congress, together with sundry letters and papers enclosed;

Also, one from General Schuyler, of the 20th July, and one from Colonel Lewis Dubois, of the 17 July, with sundry papers enclosed.[1]

Resolved, That the same be referred to the Board of War.

The Board of War reported the draught of a letter to General Washington, in answer to his letter directed to them; which was agreed to,

Ordered, That it be transcribed, signed by the president, and forwarded.[2]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, 313. That of Schuyler, in No. 153, II, folio 244. That of Dubois is in No. 78, VII, folio 45.

[2] "I am particularly instructed by Congress to answer that part of your letter of 29th ultimo, directed to the Board of War, which relates to the filling up vacancies in the Army. The Congress are concerned to find that an opinion is entertained that greater confidence has been placed in, and larger powers given to, other commanders in that respect, than to yourself. They have in no instance, except in the late appointment of General Gates to the command in Canada, parted with the power of filling up vacancies. The great confusion and many disorders prevalent in that Army, and its distance, induced Congress to lodge such a power in that General, for the limited space of three months, and only during his continuance in Canada. Should Congress ever empower its Generals to fill up vacancies in the Army, they know of no one in whom they would so soon repose a trust of such importance as in yourself; but future Generals may make a bad use of it. The danger of the precedent, not any suspicion of their present Commander-in-Chief, prompts them to retain a power, that, by you, sir, might be exercised with the greatest publick advantage." *John Hancock to General Washington*, 2 August, 1776. Force, *American Archives*, Fifth Series, I, 725.

The said Board brought in a farther report, which was taken into consideration; Whereupon,

Resolved, That Colonel John Brown be allowed the rank and pay of lieutenant colonel in the continental army, from the 20th day of November last to this time:

That Colonel James Easton is entitled to the rank of a colonel in the continental army, from the first day of July, 1775, and to the pay of a colonel from that day until he shall be discharged, which ought to be done as soon as a court of Enquiry shall report in his favour, or a court martial shall determine upon his conduct, and their sentence is carried into execution; there being no vacancy to which he can be appointed. But, should he be honourably acquitted, his past services will recommend him to the confidence of Congress for future employment.

Resolved, That an order for £1000 Pensylvania currency [6,266 2/3 dollars] be drawn on the treasurers in favour of Ludwick Karcher, for victualling the militia passing through Philadelphia to the flying camp; he to be accountable.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, AUGUST 2, 1776

The declaration of independence being engrossed and compared at the table was signed [by the members].[1]

Resolved, That two months' pay be advanced to Monsieur Pellissier; he to be accountable.

Resolved, That the Secret Committee and Marine [committee] be discharged from fitting out vessels with cargoes to Bermudas, for purposes expressed in the resolutions of Congress, of [June 6, 1776].

[1] The last three words are taken from the Secret Journals. A full account of the question of signing the Declaration is to be found in Friedenwald, *The Declaration of Independence*, 121–151.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That two hundred thousand dollars be sent to Mr. Jonathan Trumbull, [deputy] pay master [general] of the northern army [department:]

That General Washington be instructed to employ in the service of the states, as many of the Stockbridge Indians as he shall judge proper:

That one hundred old arms, belonging to Congress, be delivered to the council of safety of Pensylvania, to be repaired at the continental expence, and put into the hands of the soldiers destined for the flying camp; the said council to be accountable:

That the pay master general, and the several deputy pay masters general, in the service of these States, be directed to make weekly returns to Congress of the state of the military chests under their direction:

That Jonathan Trumbull, Esq[r] [deputy] pay master [general] in the northern army, be directed to transmit to Congress, as soon as possible, an account of all the monies which have passed through his hands since his appointment to that office:

That the commissary general, and deputy commissaries in the several departments, be directed to transmit to Congress, weekly, an account of the sums of money they may respectively receive from the pay masters:

That the quarter master general, and deputy quarter masters general, in the several departments, be directed to transmit, weekly, to Congress, an account of the monies they respectively receive from the pay master general, or deputy pay masters general:

That the commissary general, quarter master general, deputy commissaries, and deputy quarter masters general,

be directed to make monthly returns, at least, of the stores under their direction, and the distribution of them:

That the commanding officer in each department be directed to make returns, once a month, to Congress, of the draughts made by him upon the pay master, in his department.

Resolved, That Mr. [George] Walton be appointed a member of the Marine Committee, in the room of Mr. [Button] Gwinnett, who is absent.

Resolved, That the sum of one hundred dollars be advanced to Thaddeus Sturges, to be accounted for by him, and deducted out of his pay on the settlement of his accounts; and that the Board of Treasury be discharged from proceeding on his accounts, and that they be referred for settlement to the commissioners appointed to settle the accounts in the northern department.

The Marine Committee, to whom it was referred to enquire into the conduct of Commodore Hopkins, brought in their report, which was read:

Ordered, To lie on the table, to be taken into consideration on Monday next.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the articles of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee, not having finished, desire leave to sit again.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

Resolved, That the adjournment be to 10 o'Clock until farther order of Congress.

The Board [Committee] of treasury report, that there is due,

To Benjamin Thompson, for 131 days service, viz. from the 1 December to the last of May inclusive, as clerk of the hospital at Montreal, at the rate of 2/3 of a dollar per day, the sum of 122 dollars:

Ordered, That the same be paid.

||Adjourned to 9 o'Clock to Morrow.||

SATURDAY, AUGUST 3, 1776

The Board [Committee] of treasury reported, that there is due,

To Thomas Whitbeck, the sum of seventy five dollars and one fourth of a dollar, for carrying money from Philadelphia to Ticonderoga, in October last:

To Samuel Johnson, twenty dollars and eighty one ninetieths of a dollar, for two hundred and nine meals.

To George Hufnagle, one dollar and forty five 90ths parts of a dollar.

To Michael Staddleman, seventy dollars and 72 90ths parts of a dollar, for 708 meals.

To Richard Cheney, fifty four dollars for 540 meals furnished the militia on their march to New Jersey:

Ordered, That the said accounts be paid.

The committee on the miscarriages in Canada, brought in a farther report, which was read:

Ordered, To lie on the table, to be taken into consideration on Monday next.

A letter from Neil M'Clean was laid before Congress, and read:

Resolved, That it be referred to the Board of War.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 5, 1776

Sundry letters were laid before Congress and read; viz.

Two from General Washington, of 31 July and 2 August;

One from the council of Virginia, of the 27 July, with copies of sundry letters from North and South Carolina, enclosed.

One from Ephraim Anderson, of 31 July;

And sundry resolutions, passed by the convention of Pensylvania:[1]

Resolved, That the said letters and resolutions be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That the commanders of all ships of war and armed vessels in the service of these states, or any of them, and all letters of marque and privateers, be permitted to inlist into service on board the said ships and vessels, any seamen who may be taken on board any of the ships or vessels of our enemies, and that no such seamen be entitled to receive the wages due to them out of the said prizes, but such as will so inlist, and that all other seamen, so taken, be held as prisoners of war, and exchanged for others taken by the enemy, whether on board of vessels of war or merchantmen, as there may be opportunity:

That Lieutenant Colonel Rufus Putnam be appointed an engineer, with the rank of colonel, and pay of sixty dollars per month.

A petition from Esek Hopkins, commander in chief of the continental fleet, was presented to Congress, and read;

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 317 and 325. The latter is printed in *Writings of Washington* (Ford), IV, 315. That of Virginia is in No. 71, I, folio 37. The letter of Anderson, recommending M. La Marquisie, is in No. 78, I, folio 19. That of the convention of Pennsylvania is in No. 69, I, folio 205.

setting forth, that "he has been informed that certain complaints, interrogatories and report, charging him with sundry crimes and misdemeanors, had been exhibited to the honorable Congress; the purport of which complaints, &c. he is ignorant of; and praying that he may be furnished with copies thereof, and of all other proceedings against him, which are now before this honorable body; and that time may be allowed him to prepare for, and a day assigned for, his being heard before Congress in his own defence."

Resolved, That the prayer of the petition be granted, and that Friday next be appointed for hearing Commodore Hopkins.

Resolved, That the Marine Committee be directed to order the ships and armed vessels, belonging to the continent, out on such cruizes as they shall think proper.

Resolved, That Monday next be assigned for hearing and determining the Appeal against the verdict and sentence passed on the schooner *Thistle*.

Resolved, That the Secret Committee be directed to deliver to the Delaware batallion, as many of the arms, lately imported, as will be necessary to arm them completely:

That they deliver to the council of safety of Delaware government, 193 of said arms, in lieu of so many had from them; and

That the remainder of the said arms be delivered to the council of safety of Pensylvania, they to be accountable.

Resolved, That the batallion, above mentioned, when armed, be ordered to New Jersey, subject to the farther orders and directions of the general.

~~The Board of Treasury reported, that there is due, To Thomas Dundas for 24 riffles and one firelock, purchased~~

~~for the use of Colonel Irvine's battalion, the sum of 313 78/90ths dollars, and that the same ought to be paid to Andrew Robeson by his order.~~[1]

To J. Symes, a prisoner of the royal Highland emigrants, 28 dollars, for fourteen weeks' allowance, from the 24 April to the 30th July.

Ordered, That the said account be paid.

Resolved, That the Board of War be directed to furnish the Committee of Treasury with the names of the British officers and other prisoners, who are entitled to the allowance made by Congress of two dollars per week, with the times of their captivity, and the places where they are quartered.

Resolved, That the pay of an assistant clerk to the Board of War, be 266 2/3 dollars [a year].

Resolved, That an order for 1,000 dollars be drawn on the treasurers, in favour of Francis Lewis, Esqr and that the same be charged to the account of the pay master general; it being for so much received by him, by the order of Mr. Lewis.

The Congress took into consideration the report on Messrs. Price and Haywood's accounts; and, after some debate,

Resolved, That the said accounts be re-committed, and that the commissioners to Canada be desired to attend the Board of Treasury at the examination of the said accounts.

Resolved, That an order for 53 1/3 dollars, be drawn on the treasurers, in favour of Monsieur Artur Vermonet, it being two months' advance, for which he is to be accountable.

A petition from Lewis De Linkensdorff, was presented to Congress, and read:

[1] "See 11 July, then settled." Note by Charles Thomson.

Resolved, That it be referred with the papers accompanying it to the Board of War.

The Congress took into consideration the report of the committee on the causes of the miscarriages in Canada; and, after debate,

Resolved, That it be re-committed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 6, 1776

Sundry letters were laid before Congress, and read; viz.

One from General Washington, of the 5th, enclosing copies of letters between him and General Howe, respecting the exchange of prisoners, and sundry other letters and papers;

One from Brigadier H. Mercer, of the 4th.[1]

Resolved, That they be referred to the Board of War.

Resolved, That the committee for procuring medicines be directed to supply the director general of the Hospital with such medicines as he may want.

Resolved, That the Secret Committee be directed to deliver to the delegates of North Carolina, half a ton of powder, for the use of the frontier inhabitants of that state.

Resolved, That General Schuyler be directed to apply to General Burgoyne, and propose a general exchange of prisoners on the terms agreed to by Congress; and, particularly, of delivering Brigadier General Prescot, in possession of the United States, in lieu of Brigadier General Thompson, in the possession of the enemy.

[1] Washington's letter, with the enclosures, is in the *Papers of the Continental Congress*, No. 152, II, folio 329. It is printed in *Writings of Washington* (Ford), IV, 317. That of Mercer is in No. 159, folio 161.

A letter from the convention of New Jersey to their delegates, was laid before Congress and read; Whereupon,[1]

Resolved, That the convention of the state of New Jersey be requested to make such provision for keeping open the communication between that state and New York, by way of the ferries over the rivers Passaick and Hackinsack, as to them shall appear to be most effectual, and that this Congress will reimburse the expences of such service to the state of New Jersey:

That it be recommended, in the most earnest manner, to the convention of New Jersey, to order their militia immediately to march and join Brigadier General Mercer.

Resolved, That the commissioners for Indian Affairs in the middle department, be directed to enquire, and inform Congress, whether it will be most for the public good, that the troops raised, and to be raised, for the garrisons on the Ohio and its waters, should be supplied with provisions by contract or by a commissary: That if a commissary be thought necessary, they recommend some proper person for that office to Congress, and in the mean time, take such measures as they think best for victualling the said troops.

Resolved, That a member be added to the committee appointed to enquire into, and remedy, the defects of the powder made at the mills:

The member chosen, Dr. [Benjamin] Rush.

Mr. [George] Clymer, one of the joint treasurers, being appointed a delegate to Congress, by the convention of Pensylvania,

Resolved, That, for the future, there be only one continental treasurer.

[1]This letter, dated August 3, is in the *Papers of the Continental Congress*, No. 68, folio 203.

Resolved, That an additional sum of 300 dollars be given to each of the continental treasurers, on account of their extraordinary trouble, and faithful service, during the last year.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the articles of Confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that [the committee,] not having come to a conclusion, desired leave to sit again.

Resolved, That it be recommended to the council of safety of Pensylvania, to stop Mr. Wilmore from proceeding to New York.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration, the articles of Confederation.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, AUGUST 7, 1776

Resolved, That an order for 5,000 dollars be drawn on the treasurers in favour of the committee of Lancaster, for the purpose of carrying into execution the resolve of Congress, respecting the prisoners, the said committee to be accountable:

Resolved, That an order for 30,000 dollars be drawn on the treasurers in favour of James Mease, for the use of the militia marching to New Jersey; he to be accountable.

Resolved, That James Brisben, who is employed in the post office, be excused from military duty.

A letter from Captain N. Biddle to the Marine Committee, was laid before Congress, and read; Whereupon,

Resolved, That the General [Washington] be directed to propose an exchange of Lieutenant Josiah, by giving in exchange for him a lieutenant of the navy of Great Britain, and that the general remonstrate to Lord Howe on the cruel treatment Lieutenant Josiah has met with, of which the Congress have received undoubted information.

Resolved, That Dr. [Benjamin] Rush be added to the committee for procuring medicines.

A memorial from George Measam was presented to Congress, and read:[1]

Resolved, That it be referred to the Board of War.

The committee appointed to revise the articles of war, brought in their report:[2]

The Board of War reported, that there is due,

To Messrs. Giasson, Hertel and de la Magdelaine, Canadian prisoners, at Bristol, for their board and lodging, from the fifteenth of November to the 31st of July last, being thirty seven weeks each, at 2 dollars per week, the sum of 222 dollars, and that the same ought to be paid to John Green, their assignee:

Ordered, That the same be paid.

The Congress resolved itself into a committee of the whole, to take into their farther consideration, the articles of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee, not having yet finished, desire leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

Adjourned to 10 o'Clock to Morrow.

[1] This petition, dated August 2, 1776, is in the *Papers of the Continental Congress*, No. 42, V, folio 19.

[2] This report is printed under September 20, *post*.

THURSDAY, AUGUST 8, 1776

Resolved, That the sum of 700 dollars be paid to Jonathan Meredith, in full of Ephraim Blaine's draught in his favour, for shoes purchased from him for the use of the continental army; and that the same be charged to the account of said Ephraim Blaine.

Resolved, That the sum of 60,000 dollars be advanced to the delegates of New Hampshire, for the use of that state, which is to be accountable.

Resolved, That it be recommended to the council of safety of Pensylvania, to take proper measures for providing quarters for the troops passing through Philadelphia to the flying camp, during their continuance in that city.

Resolved, That the colonel, or commanding officer of the Delaware batallion, and the colonels, or commanding officers of the several batallions of militia, now in this city, be ordered instantly to march to Amboy in New Jersey; and that such of the militia as want arms, be left under a proper officer, till they can be provided therewith, and then marched without any farther delay:

That the Board of War be directed to see this resolution carried into immediate execution.

Resolved, That the Board of War be directed to take into immediate consideration, the state of the army in the northern department, and our naval force on the lakes; and that Mr. [Samuel] Chase be directed to attend the said Board, and give them all the information in his power; and that Mr. [William] Williams be desired to furnish the said Board with an extract of the letter he has received from Governor Trumbull, relative to the said army and naval force; and that the said Board report thereon as soon as possible.

Sundry letters being received, were laid before Congress, and read; viz.

2 letters from General Washington, with sundry papers enclosed.

One from General Schuyler, dated at the German Flats, August 1st.

One of the 29 July, from General Gates, with copies of two letters enclosed.[1]

Resolved, That a letter be addressed to General Lee, with an account of the intelligence received, that the troops from Charleston were arrived at New York; and directing him, in case the [British] troops have left the southern colonies, that he repair, with all possible expedition, to Philadelphia, and there wait the orders of Congress.[2]

Resolved, That to morrow be assigned for electing four major generals and six brigadier generals.

Resolved, That the post riders be exempted from military duty.

Resolved, That the Secret Committee be directed to supply Colonel Galbreath with 9 lbs. of powder, and 27 lbs. of lead, for the use of three of the companies of his batallion.

The Board of Treasury reported, that there is due,

To George Kennedy, for three riffles purchased in Frederick county, Virginia, for the use of Captain Morgan's company of rifflemen, and to be charged to the said company, the sum of 40 dollars:

To William Webb, for services in, and articles purchased for, the use of the treasury office, one hundred and

[1] The letters of Washington, both dated August 7, are in the *Papers of the Continental Congress*, No. 152, II, folios 343 and 359. One of them is printed in *Writings of Washington* (Ford), IV, 321. That of Schuyler is in No. 153, II, folio 248. That of Gates is in No. 154, I, folio 19. It inclosed a copy of a letter from Washington to Gates, July 19, and Gates's reply of July 29.

[2] This letter is in the *Lee Papers*, (New York Historical Society,) II, 205.

thirty seven and 54/90 dollars; to be charged to the account of contingent expences:

To Captain Thomas Haslet, for subsistence of 13 men of his company, on their march from Chester county to New Jersey, 9 82/90 dollars:

To Captain Benjamin Wallace, for subsistence of his company, on their march from Chester county to New Jersey, 32 20/90 dollars:

To Captain Matthew Boyd for subsistence of 53 men of his company, in Colonel Moore's batallion, on their march from Chester county, to New Jersey, 27 42/90 dollars:

To Tobias Rudolph, for the hire of two horses and a chair, by Captain Alexander Graydon, to conduct money to Ticonderoga, and for one of the said horses which was lost at Albany, 125 54/90 dollars:

To Mr. Smith, at the city tavern, for the expences of a guard at his house, over the prisoners of war brought from Burlington, 16 27/90 dollars:

To John Tomkins, for the subsistence of Captains Crowlle's, Heisler's, and Ludwigg's companies of militia, on their march to New Jersey, 21 36/90 dollars:

To Captain James M'Candless, for subsistence and ferriage of his company of the 4th batallion of York county militia, on their march to New Jersey, 41 78/90 dollars:

Ordered, That the said accounts be paid.

Resolved, That an order for 2,000 dollars be drawn on the treasurer in favour of the delegates of Georgia, for the use of the continental forces in that state; the said delegates to be accountable.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the articles of confederation; and, after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee have made farther progress in the matter

referred to them; but not having yet come to a conclusion, desire leave to sit again.

Resolved, That this Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the articles of confederation.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, AUGUST 9, 1776

Congress having proceeded to the election of a regimental pay master for the Delaware batallion,

John Yates, Esqr was elected.

Resolved, That a committee of three be appointed, to devise a plan for encouraging the Hessians, and other foreigners, employed by the King of Great Britain, and sent to America for the purpose of subjugating these states, to quit that iniquitous service:

The members chosen, Mr. [James] Wilson, Mr. [Thomas] Jefferson, and Mr. [Richard] Stockton.

The Board of War brought in a report, which was read:

Ordered, To lie on the table.

Resolved, That the Secret Committee be directed to deliver to the order of the Board of War, such articles in their possession, belonging to the Continent, as, in the opinion of the said Board of War, are necessary for the Delaware batallion:

That the said committee be directed to send to General Washington 30,000 flints.

A petition from William Bell & Co. was presented to Congress, and read:

Resolved, That it be referred to the committee on Governor Trumbull's letter.

Resolved, That Mr. Mease be directed to supply the captains, now in Philadelphia, belonging to Colonel Hand's batallion, with such sums of money as will be

sufficient to pay the bounty voted to non-commissioned officers and soldiers, who inlist for three years.

The delegates of Pensylvania and Maryland, to whom the petition of Lewis de Linkensdorff was referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That Lewis de Linkensdorff be appointed adjutant to the German batallion, ordered to be raised for the continental service.

Agreeable to the order of the day, the Congress proceeded to the election of major generals and the ballots being taken and examined,

William Heath, Esqr Joseph Spencer, Esqr John Sullivan, Esqr Nathanael Greene, Esqr	were elected major generals.

Resolved, That the hearing Commodore Hopkins be postponed to Monday next, at 11 o'clock, and that Captain Jones be directed to attend the hearing at the time above mentioned.

The Congress proceeded to the election of brigadier generals, and the ballots being taken,

Colonel James Read Colonel John Nixon Colonel Arthur St. Clair Colonel Alexander McDougall Colonel Samuel Holden Parsons Colonel James Clinton	were elected brigadier generals.

Resolved, That the several matters to this day referred, be postponed till to morrow.[1]

[1] "We find some difficulty to give satisfaction in the appointment of officers; and, on the whole, it was thought the appointing the first Continental Colonel in the respective States to the rank of Brigadiers was the least liable to objection." *Josiah Bartlett to John Langdon*, 11 August, 1776.

Resolved, That 10,000 dollars be advanced to Colonel J[ohn] Haslet for the use of his batallion, he to be accountable.

Resolved, That William Brown, master carpenter, who is here from the camp on furlow, be ordered not to return, his service being necessary at the yard.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 10, 1776

Resolved, That Isaac Cooper, ship joiner, be ordered not to go to New Jersey; his service being wanted:

That William Whiting, a wounded soldier, be sent to the hospital of Pensylvania, and supported at the expence of the United States; and, in case he dies, the expences of his funeral be paid by the United States.

The Board of treasury report, that there is due,

To Colonel Jeremiah Duggan, three hundred and nineteen dollars and 60/90 in part payment of his account against the continent, and for which he is to be charged:

To Daniel Smith, for the weekly allowance of the following prisoners of war, viz. James Hughes, town major of Montreal, and Captain Duncan Campbell, from the 19th January, to the 18 July last, is 24 6/7 weeks, at 2 dollars a week each, is 99 38/90 dollars:

Major Stopford Major Dunbar Lieut. Harrison Lieut. Shuttleworth Lieut. MacDonnel and Captain Algeo	from the 26th April to 12th July, 1776, is eleven weeks each, at 2 dollars per week, is 132 dollars.

To Colonel Jacob Stroud, for expences of waggon hire, in conducting Canadian prisoners, and part of the 26th regiment, from Walpack, in New Jersey, to Reading and

Bristol in Pensylvania, 219 54/90 dollars, of which 84 12/90, is a charge against the British troops, and 135 42/90 dollars, for the expence of the Canadians:

To John Bates, for one hundred and forty camp kettles, 186 60/90 dollars, which kettles are delivered to Colonel Matlack:

To Thomas Nevill for the materials and making travelling carriages, for the cannon sent to North Carolina, 257 25/90 dollars:

To William M'Gill, for expences of the first Pensylvania batallion on their march to Canada, which is to be charged to J. Shallus, quarter master of said batallion, 14 45/90 dollars:

To Joseph Haight, for the allowance to Captain Francis Stuart and John Leslie, of the 26th regiment, from the 26th April to 11th July, and to Dr. Huddleston, of the 7th regiment from 26th April to the 1st July last, as prisoners of war, 63 dollars:

To Captain Joseph Spur, of Colonel Moore's batallion, for the subsistence of his company of 28 men, on their march from Chester county to New Jersey, the sum of 25 18/90 dollars:

To Lieutenant Colonel Joseph Park, for the subsistence of six men of Colonel Moore's batallion, on their march from Chester county to New Jersey, 16 dollars:

To Michael Gratz, for Indian goods provided by him in May and June last, and delivered to the commissioners for Indian affairs for the northern department, 653 87/90 dollars:

Ordered, That the said accounts be paid.

The said Board farther reported, that they have had under their consideration, the accounts of Messrs. Price and Haywood, which were re-committed to them, and have re-examined the same, and find a balance due to

them, of fifty nine thousand nine hundred and sixty two dollars and 53/90 of a dollar, and they are of opinion the said Sum ought to be paid to them in gold and silver:

Ordered, That the said sum be paid accordingly.

Resolved, That the Board of Treasury be directed to devise ways and means for paying Messrs. Price and Haywood, and report to Congress.

Resolved, That an order for 3,000 dollars be drawn on the treasurers in favour of the delegates of Delaware government, for the purpose of paying one month's advance to the batallion of militia marching from that government to the flying camp.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That commissions be made out, and sent to General Washington, to be delivered to the several officers recommended in the list exhibited by the said Board, to fill the vacancies mentioned in said list, excepting those persons recommended to fill the vacancies occasioned by officers being in captivity, which ought not to be filled, but to be left open, until those officers shall be redeemed, and excepting the case of Lieutenant Colonel Tyler, who is to have a commission for colonel of the regiment lately commanded by Colonel Parsons, promoted: and that Lieutenant Colonel Durkee have a commission of colonel of the 20th regiment, and that Major Prentice be made lieutenant colonel of the regiment, in which he is now major; and Major Knolton lieutenant colonel of the 20th regiment.

The Marine Committee brought in a report, which was read:

Ordered, To lie on the table.

The committee on the causes of the miscarriages in Canada, brought in a farther report, which was read:

Ordered, To lie on the table, to be taken into consideration on Tuesday next.

Resolved, That John Hughes be supplied with necessary cloaths, by the managers of the Pensylvania Hospital, at the expence of the United States.

Resolved, That William Tudor, judge advocate general, have the rank of lieutenant colonel in the army of the United States; and that he be ordered to repair immediately to the discharge of his duty at New York.

Resolved, That the Secret Committee be directed to deliver to Colonel [J.] Wilson, for the use of three companies of his batallion, now in town, 11 lb. of powder, and 44 lb. of lead:

That the said committee be directed to deliver to the order of the Marine Committee, such quantity of arms and ammunition, as may be necessary for the use of the continental frigates.

The committee on sundry Canadian petitioners, reported,

That the Reverend Mr. Louis Lotbinière was, on the 26 January last, appointed, by General Arnold, chaplain to the regiment under the command of Colonel James Livingston, and acted in that capacity, until the retreat of the army from Canada, and who was promised by General Arnold, the pay of £14 10 per month, including rations; and that there now is a balance of £46 17=124 84/90 dollars due, ~~he having only received 78 dollars in part and never drew more than one ration per day, since his appointment; that Mons. Lotbiniere be allowed at the rate of 20 dollars per month and 1/ per day in lieu of rations not drawn from the 26 January last to this day.~~ and that the same ought to be paid to him, and that he be continued a chaplain in the pay of the United States:

That Jean Fisseul receive nine months' pay as a pri-

vate, and a present of 20 dollars for particular service, the whole equal to 80 dollars, and that he be permitted to inlist in the artillery at New York:

That Pierre du Calvet receive 106 2/3 dollars, for 8 months' pay as ensign, and a commission as a brevet first lieutenant.

That Alexander du Clos receive 33 1/3 dollars, for 5 months' pay as a private, and be discharged, with permission to inlist again in the service, at his election:

That Jean Baptist du Vidal receive 56 dollars for seven months' pay as a serjeant, and be discharged, or continued in the service, at his election:

That Louis Russe receive 32 dollars for his services as a nurse and attendant on the sick, and a present of 40 dollars on account of his humanity to them:

That Juet a Voir receive a present of 10 dollars, and be discharged, or continued in service, at his election:

That La Jeunesse receive a present of 40 dollars, and be discharged:

That John Hamptrenk [Hamtranck] receive 186 2/3 dollars, as deputy commissary, from the 15th September to the 5 February, and 164 dollars for his pay as a captain from the 5 of February to this day, being 6 months and five days; the whole being 350 60/90 dollars.

That John Diamond and Walker Moody receive a present of 40 dollars each:

That Andrew Pepin receive 33 30/90 dollars, for 5 months' pay as a private, for his services as a volunteer, and that he be continued in pay as a lieutenant:

That all persons who have acted as volunteers in Canada, and retreated with the army, be referred to General Schuyler; and that he be directed to enquire into their services and characters, and to order them such rewards and wages as shall appear to have been merited:

That 300 dollars be advanced to Colonel James Livingston, and his general account against Congress be referred to the inspection and determination of General Schuyler.

Resolved, That the said report be agreed to.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 12, 1776

Sundry letters being received were read; viz,

One of the 8th from General Washington, with sundry papers enclosed;

One from Brigadier General Mercer, of ——, with one enclosed from Colonel Dickinson to him:[1]

Resolved, That the letter from General Washington, with the papers enclosed, be referred to the Board of War:

That the letter from Brigadier General Mercer, with the enclosed letter from Colonel Dickinson, be communicated to the convention of Pensylvania.

Sundry resolutions, passed by the convention of New York, were laid before Congress, and read.

Also a letter from a gentleman at Cape François, in Hispaniola, July 23, was laid before Congress and read:

Resolved, That it be referred to the Secret Committee.

Resolved, That the delegates of North Carolina be empowered to send by water, at the risque of the Continent, the military stores necessary for that state.

On application of one of the parties,

Resolved, That the hearing the appeal against the sentence passed on the schooner *Thistle*, be postponed to Monday, the 26th instant.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 363. It is printed in *Writings of Washington*, (Ford), IV, 331.

~~The council of Safety of Pensylvania having recommended Lewis Linkensdorf to be first lieutenant,~~[1] and Philip Schrauder, as second lieutenant of the fifth company of Germans, to be raised in that state,

Resolved, That he be accepted, and that a commission be granted to him accordingly.

A letter of the 3d, from the council of Virginia, and one of the same date, from Brigadier General Lewis, being received, were read.[2]

Agreeable to the order of the day, Commodore Hopkins attended, and was admitted; when the examination, taken before the Marine Committee, and the report of the said Committee in consequence thereof, were read to him; and the commodore being heard in his own defence, and having delivered in some further answers to the questions asked him by the Marine Committee, and two witnesses being, at his request, introduced and examined, he withdrew.

The Congress then took into consideration the instructions given to Commodore Hopkins, his examination and answers to the Marine Committee, and the report of the Marine Committee thereupon; and, the farther defence by him made, and the testimony of the witnesses; and, after some debate, the farther consideration thereof was postponed.[3]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[4]

[1] In the margin is written by Francis Hopkinson: "Before appointed adjutant to the same Battalion, and Bernard Hubley appointed in his room. Page 65." [See 15 August, 1776, *post*.]

[2] The letter of Lewis is in the *Papers of the Continental Congress*, No. 159, folio 242. That of the Council of Virginia is in No. 71, I, folio 53.

[3] See John Adams, Autobiography, *Works*, III, 65.

[4] Samuel Adams and William Whipple left Philadelphia this day.

TUESDAY, AUGUST 13, 1776

Resolved, That the 8th Virginia batallion be taken into pay from the 25th day of May last, and the seventh from the 17th day of June last passed, ~~on which days they were mustered, being armed~~.

The Marine Committee having recommended William Barnes for first lieutenant on board one of the frigates built at Philadelphia; Thomas Vaughan, (second mate of the ship *Alfred*,) to be third lieutenant of the *Washington* frigate, commanded by Thomas Read, Esq[r] and Elisha Hinman, to the command of the *Cabot*,

Resolved, That they be accepted, and that commissions be granted to them accordingly; and that Captain Saltonstal be ordered to discharge Mr. Vaughan, that he may repair to the command to which he is now appointed.

Colonel Mercer, of the 3d Virginia batallion, being promoted to the rank of brigadier general, and William Christian, who was appointed colonel of the 1st batallion, having declined accepting his commission, and Colonel William Peachy, of the 5th regiment, having resigned, Congress proceeded to the election of officers to fill the vacancies occasioned thereby, and the ballots being taken and examined, Charles Scott, George Weedon, and Isaac Reade, were elected colonels; Alexander Spotswood, Thomas Marshall, and Robert Lawson, were elected lieutenant colonels; and James Innis and John Green, were elected majors.

The Board of Treasury reported, that there is due,

To Conrad Alster, for 214 meals supplied the militia on their march to Jersey, the sum of 21 36/90 dollars:

To James Davis, for 70 meals supplied Captain Clark's

company of militia, on their march to New Jersey, 7 9/90 dollars:

To Major Blackden,[1] for the hire of a sleigh and two horses from Albany to Quebec, cash expended going express from General Arnold to Sorel, and for a horse, bridle, and saddle, lost at Dechambeau, in the service of the colonies, the sum of 153 dollars:

Ordered, That the above accounts be paid.

The Board of Treasury to whom it was referred to devise ways and means for paying Price and Heywood, brought in their report; Whereupon,

Resolved, That an order be sent to General Schuyler and General Gates, to pay all the specie that they may have in their hands, belonging to the United States, to Messrs. Price and Heywood, in part of the balance due to them from the said states, and transmit an account thereof to Congress:

That the Committee of Treasury be directed to use their endeavours to procure gold and silver, as quickly as possible, to discharge the remainder:

That Messrs. Price and Haywood be allowed at the rate of five per cent. per annum interest, for the balance that may be due to them, after deducting the sum that may be paid them by Generals Schuyler and Gates, from the time of such payment until the said balance is paid.

Resolved, That Mr. J. Mease be directed to advance one month's pay to the officers and men from Maryland, marching to the flying camp:

That the [deputy] quarter master [general] be directed to supply the troops from Maryland with such articles as they may stand in need of, and which he has in his hands belonging to the Continent.

[1] Samuel Blagden.

Resolved, That the five millions of dollars, last ordered to be emitted, consist of the following numbers and denominations, viz.

76,923 of 30	dollars each,	2,307,690
76,923 of 8	do.	615,384
76,923 of 7	do.	538,461
76,923 of 6	do.	461,538
76,924 of 5	do.	384,620
76,923 of 4	do.	307,692
76,923 of 3	do.	230,769
76,923 of 2	do.	153,846
615,385		5,000,000

Resolved, That an order for one thousand pounds, Pensylvania currency, 2,666 2/3 dollars, be drawn on the treasurers in favour of Ludwick Karcher, for the purpose of victualling and supplying the troops marching to the flying camp; he to be accountable.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be informed that Congress have not received the treaty between the state of Massachusetts bay and the St. John's and Micmac Indians, and that he be requested to send a copy thereof:

That the Secret Committee be directed to furnish Colonel Wilson with 22 muskets, 22 lb. of powder, and 88 lb. of lead, for the use of his batallion of militia.

The said board having recommended William Caldwell as pay master to Colonel Baldwin's regiment of continental troops raised in Massachusetts bay, and William Lawrence as pay master of Colonel Shee's regiment of continental troops, raised in the state of Pensylvania,

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Resolved, That an order for 296 1/3 dollars be paid to the order of Messrs. Simon and Campbell, in full of a draught drawn in their favour at Pittsburg, June 3, 1776, by George Morgan, and that the same be charged to the account of the commissioners for Indian affairs in the middle department.

Resolved, That the Marine Committee be directed to deliver to Mr. James Mease, the sheeting, in their hands, for the use of the continental troops.

Congress being informed that Alexander Ross is detained at Pittsburg,

Resolved, That it be recommended to the commissioners of Indian affairs, to enquire into this matter, and, if they find no new cause for detaining him since he was before the committee of Congress, and think it proper, that they permit him to pursue his journey into the Indian country.

Resolved, That a member be added to the committee appointed to consider the application of the Rev. Mr. Leonard.

The member chosen, Mr. [Lyman] Hall.

A letter of the 12th, from Brigadier General Mercer, being received, was read:[1]

Resolved, That it be referred to the Board of War.

The Congress took into consideration the articles of war, and, after some time spent thereon,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1]This letter is in the *Papers of the Continental Congress*, No. 159, folio 174.

WEDNESDAY, AUGUST 14, 1776

A letter of the 12th, from General Washington, with a general return of the army at New York, and sundry other papers enclosed, being received, was read:[1]

Also, sundry letters from England being received, were read.

Resolved, That the letter from General Washington, with the papers enclosed, be referred to the Board of War.

On request of the delegates of New Jersey,

Resolved, That the tutors in Princeton college be detained from going to the flying camp, and that the said tutors be directed to continue in the said college exercising their several functions.

The committee appointed to devise a plan for encouraging the Hessians, and other foreigners, to quit the British service, brought in a report, which was taken into consideration; Whereupon, the Congress came to the following resolution:

Whereas it has been the wise policy of these states to extend the protection of their laws to all those who should settle among them, of whatever nation or religion they might be, and to admit them to a participation of the benefits of civil and religious freedom; and, the benevolence of this practice, as well as its salutary effects, have rendered it worthy of being continued in future times.

And whereas, his Britannic majesty, in order to destroy our freedom and happiness, has commenced against us a cruel and unprovoked war; and, unable to engage

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 371. It is printed in *Writings of Washington* (Ford), IV, 337.

Britons sufficient to execute his sanguinary measures, has applied for aid to certain foreign princes, who are in the habit of selling the blood of their people for money, and from them has procured and transported hither considerable numbers of foreigners.

And it is conceived, that such foreigners, if apprised of the practice of these states, would chuse to accept of lands, liberty, safety and a communion of good laws, and mild government, in a country where many of their friends and relations are already happily settled, rather than continue exposed to the toils and dangers of a long and bloody war, waged against a people, guilty of no other crime, than that of refusing to exchange freedom for slavery; and that they will do this the more especially when they reflect, that after they shall have violated every Christian and moral precept, by invading, and attempting to destroy, those who have never injured them or their country, their only reward, if they escape death and captivity, will be a return to the despotism of their prince, to be by him again sold to do the drudgery of some other enemy to the rights of mankind.

And whereas, the parliament of Great Britain have thought fit, by a late act, not merely to invite our troops to desert our service, but to direct a compulsion of our people, taken at sea, to serve against their country:

Resolved, Therefore, that these states will receive all such foreigners who shall leave the armies of his Britannic majesty in America, and shall chuse to become members of any of these states; that they shall be protected in the free exercise of their respective religions, and be invested with the rights, privileges and immunities of natives, as established by the laws of these states; and, moreover, that this Congress will provide, for every such

person, 50 Acres of unappropriated lands in some of these states, to be held by him and his heirs in absolute property.

Resolved, That the foregoing resolution be committed to the committee, who brought in the report, and that they be directed to have it translated into German, and to take proper measures to have it communicated to the foreign troops. In the meanwhile, that this be kept secret.[1]

Resolved, That Dr. [Benjamin] Franklin be added to the said committee.

The Board of Treasury reported, that there is due,

To Captain William Ross, for subsistence and ferriage of his company of 67 men, of Colonel Smith's batallion, on their march from York county to New Jersey, the the sum of 52 49/90 dollars.

To Daniel Smith, for Captain Thomas Gamble's allowance, from 26th April to 10th August instant, being 15 weeks, at two Dollars per week, the sum of 30 dollars:

To John Davis, for thirty three days hire of a wagon transporting the baggage of Captain Hay's company of Colonel Irvine's batallion, from Carlisle to New York, 110 dollars, and for forty one meals supplied Captain Thomas Turbutt's company of Colonel Wilson's batallion, on

[1] In the Jefferson Papers (5th series, VIII, 4) is the following, written by John Adams, and doubtless intended to serve as a preamble to these resolutions:

"Whereas it is probable, that among the officers of the foreign Troops, now in the Service of the King of Great Britain, there may be many, of liberal Minds, possessed of just Sentiments of the Rights of human Nature and the inestimable Value of Freedom; who may be prompted by the Feelings of Humanity, and a just Indignation at the disgracefull Service to which they are devoted by an infamous Contract between two arbitrary Sovereigns and at the Insult offered to them by compelling them to war against an innocent People, who never offended them, nor the Nation to which they belong, but are only contending for their just Rights; to [abandon] renounce so dishonourable a Service: Therefore,

"*Resolved*, that all such officers who shall [forsake] abandon the Service"

their march from Cumberland county to New Jersey, the sum of 4 9/90 dollars.

To John Eshenbuth, for 19 meals of victuals supplied recruits of Captain Cluggage's company of Colonel Hand's batallion, 1 81/90 dollar:

To Colonel Clement Biddle, for one hundred and fifty camp kettles, 200 dollars:

To Dr. John Coates, for a set of surgeon's instruments lost on his march with General Arnold from Cambridge to Quebec, the sum of 26 60/90 dollars:

To Sarah Campbell, for nursing and boarding seven sick men belonging to the Captains Beaty, Benezet and Miller's companies, 30 7/90 dollars.

Ordered, That the said accounts be paid.

A petition from ~~sundry inhabitants at or near Wyoming~~ Elisha Swift, and Adonijah Spanborrough, was presented to Congress, and read:

Resolved, That it be referred to the delegates from Pensylvania and Connecticut.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That Monsieur Weibert, now serving in the continental army at New York, as an engineer, be appointed assistant engineer, with the rank and pay of lieutenant colonel; and that his pay commence from the time of his engaging in the service.

That General Mercer be directed to discharge or grant furlows to Joseph Kerr, hatter, a private of Captain Will's company in the first batallion; and to Philip Mouse, stocking weaver, a private in Captain Kling's company of the fourth batallion of Philadelphia militia; these two persons being applied for by Messrs. Mease and Caldwell, commissaries, to whom their services are indis-

pensably necessary in making and providing cloathing for the army.

That the Council of the Massachusetts Bay, be requested to appoint, one of the General Officers of their Militia to command the Troops, which that State has ordered for its Defence, in the Room of the Continental Regiments lately ordered from Boston to N. York and Ticonderoga, which General Officer, shall be invested with the Same Powers, and Subject to the same Duties, within that State, and be upon the same Establishment, with the Continental General Officers, during the Continuance of the said Troops in the Continental Service.[1]

Order'd to lie

Resolved, That the remainder of the report be postponed till to Morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, AUGUST 15, 1776

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That James Livingston, having been appointed a colonel of a regiment by General Montgomery, have a colonel's commission given him, with orders to inlist as many companies of Canadians as are willing to engage in the service; and that the commander in chief, in the northern department, be directed to recommend to Congress, proper persons for officers under him.

The council of safety of Pensylvania, having recommended Mr. Bernard Hubley, Jun. as first lieutenant in

[1] This report, dated "At a Board of War, August 13th, 1776, P. M.," is in the *Papers of the Continental Congress*, No. 147, I, folio 1. The first two paragraphs are in the writing of Richard Peters; the last is in that of John Adams.

the fifth company of the German batallion, ~~in the room of Lewis van Linkensdorf who chuses to continue Adjutant to said battalion.~~

Resolved, That he be accepted, and that a commission be granted to him accordingly.

A petition from Return Jonathan Meigs, in behalf of himself and others, was presented to Congress, and read:[1]

[*Resolved*, That it] referred to the Board of War.

Resolved, That an order for 30,000 dollars be drawn on the treasurers, in favour of James Mease, for the use of the militia going to New Jersey.

Resolved, That the sum of 500 dollars be lodged in the hands of the auditor general, for the purpose of discharging small debts; he to be accountable.

Resolved, That the Secret Committee be directed to deliver to Colonel M'Callister, eight stand of arms for the use of his batallion, the said committee taking security for the return of said arms:

That the said committee be directed to deliver to the delegates of North Carolina, five tons of lead, for the use of the troops in that Colony [state].

The committee to whom the letter from Governor Trumbull of the 19th of July, with sundry depositions and papers, was referred, brought in their report, which was read:

Ordered, To lie on the table.

A petition from Jeremiah Dugan, was presented and read:

Ordered, To lie on the table.

The Congress resumed the consideration of the instructions given to Commodore Hopkins, his examination and

[1] This petition, dated Philadelphia, August 16, 1776, is in the *Papers of the Continental Congress*, No. 42, V, folio 15.

answers, &c. and, thereupon, came to the following resolution:

Resolved, That the said Commodore Hopkins, during his cruize to the southward, did not pay due regard to the tenor of his instructions, whereby he was expressly directed to annoy the enemy's ships upon the coasts of the southern states; and, that his reasons for not going from Providence immediately to the Carolinas, are by no means satisfactory.[1]

At the request of [the delegates of] Pennsylvania, the farther consideration of the report was postponed till to morrow.

Sundry letters being received, were read; viz

One, from General Washington, of the 14th

One from General Gates, of the 5th;

One from General Schuyler, of the 7th.[2]

Resolved, That 500,000 dollars be sent to Mr. Trumbull, deputy pay master general, for the use of the army in the northern department.

Resolved, That the Secret Committee be directed to deliver to the order of the Marine Committee, such stores by them imported as are necessary for the fleet.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] "I fear the Confederation will not be finished in time to be laid before our Assembly at their next sitting. Last week passed without looking at it. Other affairs have taken up the whole time. Near two days were taken up about Commodore Hopkins; and we had the pleasure to be for the greatest part of that time entertained by the eloquence of some of our Southern brethren, particularly that polite speaker, Middleton. The Congress at last found Hopkins guilty of not paying proper attention to his orders." *Josiah Bartlett to William Whipple*, 18 August, 1776.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 401. That of Schuyler is in No. 153, II, folio 267. That of Gates is in No. 154, I, folio 27.

FRIDAY, AUGUST 16, 1776

A letter, from General Washington, of the 15th, being received, was read.[1]

The Board of Treasury, who were appointed to prepare Instructions for the commissioners appointed to settle the accounts of the army at New York, and in the northern department, brought in a draught, which was read and agreed to as follows:

To ———

Gentlemen: You are appointed commissioners by the Congress, to liquidate the accounts of the army in

You will, therefore, proceed immediately to and apply to general to direct all persons who have been engaged in transacting public business, to lay their accounts before you.

In your examination, you will observe the utmost exactness; taking care not to allow any accounts for which proper vouchers are not produced. No officer is permitted by Congress to hold two commissions; consequently, is not to receive pay for two.

Every colonel of a batallion ought to produce muster rolls, certified by the muster master, or such other person as may have been appointed by the commanding officer, to muster the men, of the number his batallion, from time to time, consisted of.

No allowance of pay, or rations, to be made to any officer for men who have not been actually in the continental service.

If, in the settlement of these accounts, you shall discover any frauds to have been practised, or abuses committed by misapplication of public monies, you shall take particular notice of them, and make especial report to the Committee of Treasury. When you have compleated this business, you are to transmit a copy of your proceedings, with accounts, to the Committee of Treasury, to be by them finally adjusted and discharged.

Ordered, That a copy be made out and delivered to the respective commissioners.

Resolved, That the sum of 250,000 dollars be sent to

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 413. It is printed in *Writings of Washington* (Ford), IV, 346.

Ebenezer Hancock, Esq[r] deputy pay master general, for the use of the army in the eastern department.

Resolved, That the sum of 1,000 dollars be advanced to Captain John David Woelper, for the bounty money, &c. of his company; he to be accountable.

A petition from Dr. Samuel Stringer, was presented to Congress and read:

Resolved, That it be referred to the Medical Committee.

Resolved, That the Medical Committee be empowered to purchase such medicines as they judge proper and useful for the army.

Resolved, That a member be added to the committee to whom were referred the letters and papers respecting the murder of Mr. Parsons:

The member chosen, Mr. J[ohn] Adams.

The committee, to whom the letter from General Putnam, in favour of the Rev. Abiel Leonard, was referred, reported,

That it appears, from a farther certificate of General Putnam, that Mr. Leonard performed the duty of a chaplain to other regiments than that of the general's, for the space of eight months, for which he has had no compensation; and that it also appears, that Mr. Leonard's services, at that time in the army, were very necessary and useful: Whereupon,

Resolved, That the sum of 300 dollars be paid to the said Mr. Abiel Leonard, as a reward for his services.

Resolved, That the letters received yesterday from General Washington, General Schuyler, and General Gates, be referred to the Board of War.

The Congress resumed the consideration of the instructions given to Commodore Hopkins, his examination and answers, &c. and, thereupon came to the following resolution:

Resolved, That the said conduct of Commodore Hopkins deserves the censure of this house, and the house does accordingly censure him.

Ordered, That a copy of the resolutions passed against Commodore Hopkins be transmitted to him.

The Secret Committee having informed Congress that a quantity of powder about five tons was arrived in New Jersey,

Resolved, That the said Secret Committee be directed to send the said powder to Brigadier General Mercer for the use of the flying camp, under a proper guard.[1]

The several matters to this day referred, being farther postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 17, 1776

A letter of the 13th, from General Washington, being received, was read.[2]

The delegates of New Jersey laid before Congress a resolution of their convention, empowering any one of them to represent the said state in Congress, in these words:

IN PROVINCIAL CONGRESS, NEW JERSEY,
Burlington, June 22d, 1776.

Upon the Question, whether one or more Delegates shall be a Quorum to represent this Province in Continental Congress, it was carried in Favour of one.

Extract from the Minutes,

WILLIAM PATERSON, *Secretary*.[3]

[1] In the margin is written by Francis Hopkinson: "reconsidered and ordered to the city of Philadelphia; it appearing to Congress that for the present there is a sufficient quantity of Powder in the Jerseys for the use of the troops."

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 393.

[3] The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*.

The Board of Treasury reported, that there is due,

To John Bates, for 187 camp kettles, delivered to Colonel Clement Biddle, deputy quarter master general, 249 dollars:

To George Bunner, for a riffle purchased by Lieutenant Moses Rawling, from John Piper, in Maryland, for the use of Captain Grier's riffle company, and to be charged to the said company, 10 60/90 dollars:

To Messrs. Gibson and Aston, for 5 riffles furnished Captain Morgan's company of rifflemen, by persons in Frederick county, Virginia, and certified by the committee there, and to be charged to the said Morgan, 65 30/90 dollars:

To James Mercer, for furnishing 597 meals of victuals to the militia on their march to New Jersey, 59 63/90 dollars:

To William Clayton, for furnishing 454 meals of victuals supplied the militia on their march to New Jersey, 45 36/90 dollars:

To William Allibone, for his expences in search of flint stones, by direction of the Board of War, 6 dollars:

To Joseph Hinzey, for 7 chairs and a stool, for the use of the treasury office, 15 18/90 dollars:

To William M'Carroll, for the passage of prisoners taken by Captain Barry from Egg Harbour to this city, with their maintenance on the road, 4 56/90 dollars:

To Colonel Henry Haller, 425 dollars and 39/90 of a dollar, of which sum 20 dollars is to be charged to Captain Nelson, for two riffles delivered to him by David Miers; fourteen dollars 54/90 of a dollar to the army, for rations supplied Captain Nelson's company; twenty four dollars for contingent charges of three expresses; and 366 75/90 dollars for provisions for the prisoners at

Reading, with fire wood, salt, straw, &c. including 39 days' service of said Haller:

To George Struyly's, for entertainment of the militia on their march to New Jersey, 78 64/90 dollars:

To Robert Jewell, for sundry bills for the repair of the old gaol in Philadelphia. and work done at the new gaol, 178 53/90 dollars.

Ordered, That the said accounts be paid.

The committee on Indian affairs, to whom sundry letters and papers from Pittsburg were referred, having examined them, laid the same on the table, and desired they might be read, which was done.

Resolved, That an order for 50 dollars be drawn on the treasurer, in favour of G[eorge] Morgan, for the use of P[eter] Long, for his services in the Indian country.

Resolved, That the accounts of G[eorge] Morgan, Esq[r] be referred to the Board of Treasury.

A letter of this day, from Martin Johnson, lieutenant of artillery, was laid before Congress and read; wherein he desires Congress to enquire into the circumstances of Mr. Anstruther's diamond ring, which he acknowledges he has; that he never made a secret of it; that he did not break open Mr. Anstruther's trunk, that he found the ring sometime after the garrison capitulated, and thought it to be a prize; and, for the truth of what he asserts, refers Congress to the certificates of several principal officers.

Resolved, That Lieutenant Martin Johnson be directed to deliver the ring to the secretary of the War Office, who is ordered to send the same to Mr. Anstruther, the owner.

The Congress resumed the consideration of the report of the committee to whom was referred Brigadier General Wooster's letter, requesting an enquiry into his conduct while he had the honour of commanding the continental forces in Canada, which was read, as follows:

That Brigadier General Wooster produced copies of a number of letters which passed between him and General Schuyler, and of his letters to Congress; from which it appears that he, from time to time, gave seasonable and due notice of the state of the army under his command, and what supplies were, in his opinion, necessary to render the enterprize successful; that a number of officers and other gentlemen from Canada, who were acquainted with his conduct there, and who happened occasionally to be in this city, were examined before the committee; to which letters, and the minutes of the examination of the witnesses herewith exhibited, the committee beg leave to refer Congress for further information, and report, as the opinion of the committee, upon the whole of the evidence that was before them, that nothing censurable or blameworthy appears against Brigadier General Wooster.

The report being again read, was agreed to.[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Gustavus Risberg be appointed assistant quarter master to Clement Biddle, deputy quarter master general to the flying camp, and that he reside at Philadelphia.

Resolved, That General Washington be desired to propose an exchange of his Britannic majesty's prisoners, captivated at St. Johns and Chambly, for those in the service of the United States, taken in Canada:

That Major Meggs [Meigs] be exchanged for Major French, and Captain Henry Dearborn for an officer of his rank:

That in case a general exchange of prisoners should not be agreed to, that provision be made for supplying our

[1] Printed in the *Pennsylvania Gazette*, 9 October, 1776. See John Adams, Autobiography, *Works*, III, 67.

prisoners in Canada with necessaries, by procuring and sending bills of exchange, drawn by British officers, prisoners in these states; or, if such cannot be obtained, that cash be sent to them.

Resolved, That it be recommended to the convention of Maryland, to raise and arm two batallions upon the continental establishment:

That the men for the said batallions be inlisted to serve during the war, unless sooner discharged by Congress:

That the said convention recommend to Congress suitable persons for field officers of the said batallions, and appoint all the other officers:

That the said batallions be taken into continental pay so soon as they are armed and accoutred for service, and accordingly mustered:

That 20,000 dollars be sent to the said convention, to defray the expences of raising the said batallions; to be accounted for to Congress

Colonel Biddle having, by order of General Mercer, applied for the following articles, viz. 500 firelocks with bayonets, 500 bayonets with scabbards of different sizes, 200 spare ramrods, 4,000 priming wires, and 20,000 flints:

Resolved, That Mr. James Mease, commissary, be directed to provide and deliver to Colonel Biddle, or his order, the above articles, or as many of them as can be procured.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 19, 1776

Sundry letters were laid before Congress, and read; viz.

One from General Washington, of the 12, with the proceedings and judgment of a court martial against Colonel Donald Campbell:[1]

Resolved, That the proceedings and judgment of the court martial against Colonel Campbell, be sent to General Schuyler for his approbation or disapprobation.

Another letter, from General Washington, of the 14, with sundry papers enclosed, relative to Mr. Nubele [Moeballe], a foreigner:[2]

Resolved, That this letter, with the papers enclosed, be referred to the Board of War.

A letter from Commodore Hopkins, of the 17th;[3] Whereupon,

Resolved, That Commodore Hopkins be directed to repair to Rhode Island, and take the command of the fleet formerly put under his care.

A letter from Lieutenant Martin Johnson, of the 19th; Whereupon,

Resolved, That the stoppage of Lieutenant Martin Johnson's pay at the pay office be taken off, and that he receive what is due to him.

A letter from Brigadier General Wooster of the 19th;

Ordered, To lie on the table.

The Board of War having recommended Captain James Chapman for major of Colonel Tyler's and Captain Thomas Dyer to be major of Colonel Durkee's regiment,

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 383. It is printed in *Writings of Washington* (Ford), IV, 340.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 397. It introduced a Captain Moeballe, a Dutch gentleman from Surinam.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 79.

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Resolved, That the Board of Treasury be empowered to employ another press to print the bills of credit, and that Matthew Clarkson Esquire, and Walter Shee, be appointed superintendents of the press, in addition to those already appointed for that service.

A petition from Chapman Ashur was presented to Congress, and read.

The committee on Indian affairs, to whom the letters from the commissioners of Indian affairs in the middle and southern departments were referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That it be left to the discretion of the commissioners in the middle department, to postpone the holding the treaty with the Indians in their department, to such time as they think best; and that, if, by continuing at Pittsburg in the mean while, they are of opinion they shall be able to bring the Indians into a friendly disposition, and to render the treaty more general, they be desired to continue there:

That the invitation given by the said commissioners to such of the Six Nations of Indians, as live on the waters of the Ohio, to attend the said treaty, be approved;

That the said commissioners be instructed to make diligent enquiry into the murder lately committed by Indians, in the neighbourhood of Pittsburg, on one Crawford; and that, as soon as they discover by whom the same was committed, they demand due punishment on the offender or offenders, which being granted, this Congress will not consider the same as a national act:

That the said commissioners invite such of the Indian chiefs and warriors of their department, as they think

best, to visit Congress at Philadelphia, after the conclusion of the treaty with them:

That as it now appears fully that the former Proposals by Congress to the Indians to observe a neutrality in the present war as [are] much approved by them, and that the same Line of Conduct pursued will be more likely to prevent their becoming hostile to these States, all latter Resolutions desiring them to take part with us, be revoked, and the Commissioners in the several Departments be instructed still to press on them a neutrality of Conduct.[1]

That the following extract from the speech of Logan, an Indian chief, be transmitted to the commissioners for the middle department, viz. "We still hear bad news. Conneodico and some of us are constantly threatened. And the Bear-skin, a trader from Pennsylvania, amongst others, says, a great reward is offered to any person, who will take or entice either of us to Pittsburg, where we are to be hung up like dogs by the Big-knife. This being true, how can we think of what is good. That it is true we have no doubt, and you may depend on it, that the Bear-skin told Metopsica every word of what I have mentioned." And that they be directed to do all in their power to remove every jealousy of the United States, or either of them, from the minds of the Indians. And, as it may possibly happen, that the persons concerned in the Indian trade, in order to engross to themselves or to the traders of their own state, the whole of the said Indian trade, may, by false suggestions, endeavour to poison the minds of the said Indians, and render them inimical to any other state, and so involve such state in an Indian war, that it be therefore recommended to the assemblies and conventions of the several states, from which trade is carried on with the Indians, that they take

[1] Against this paragraph is written "postpon'd."

the most effectual measures to prevent the traders of their respective states from pursuing a practice so dangerous to the peace of the United States:

That so much of the Indian speech as relates to the Nantikokes, be sent to the convention of Maryland, and that they be requested to give Congress such information upon the subject as they can obtain:

That agreeable to the proposition from the commissioners for Indian affairs in the southern department, Mr. Galphin and Mr. Ray be desired to invite such of the head men of the Creeks, as they shall think expedient, to visit Congress at Philadelphia, and that Mr. Galphin or Mr. Ray be requested to attend them hither, and that Congress will defray the expences of such journey.[1]

Resolved, That the part of the report respecting the neutrality of the Indians be postponed.

Resolved, That the sum of twelve hundred dollars be advanced to the commissioners appointed to audit and settle the accounts of the army at New York, and in the northern department; they to be accountable.

Congress resumed the consideration of the articles of war, as revised by the committee for that purpose appointed, and after some time, the farther consideration thereof was postponed.[2]

[1] This report, in the writing of Edward Rutledge, is in the *Papers of the Continental Congress*, No. 30, folio 161.

[2] "This report was made by me and Mr. Jefferson, in consequence of a letter from General Washington, sent by Colonel Tudor, Judge Advocate-General, representing the insufficiency of the articles of war, and requesting a revision of them. Mr. John Adams and Mr. Jefferson were appointed a committee to hear Tudor, and revise the articles. It was a very difficult and unpopular subject, and I observed to Jefferson, that whatever alteration we should report with the least energy in it, or the least tendency to a necessary discipline of the army, would be opposed with as much vehemence, as if it were the most perfect; we might as well, therefore, report a complete system at once, and let it meet its fate. Something perhaps might be gained. There was extant one system of articles of war which had carried two empires to the head of mankind, the Roman and the British; for the British articles

Resolved, That Captain Archibald Hamilton be permitted to reside at New Brunswick, till the farther orders of Congress.

The committee to whom was referred, the petition from Elisha Swift, &c. brought in their report.

The Committee of Treasury reported, that there is due,

To Jacob Vanderheyden for cloathing supplied the army in Canada, viz. To Captain Ten Eyck's company, £256 15 5; to Captain John Visher's company £188 14 5; to Captain John Veisgar, £34 6 6; to Captain John Graim, £52 0 7; to General Arnold, for the army, £41 19; for shoes purchased by order of the commissioners of Congress, £21 12; the whole amounting to five hundred and ninety five pounds seven shillings and eleven pence, lawful money of Canada, equal to one thousand nine hundred and eighty four dollars and 59/90 of a dollar:

To George Morgan, Esqr for the balance of his account for sundries supplied for the middle department, to be

of war were only a literal translation of the Roman. It would be in vain for us to seek in our own inventions, or the records of warlike nations, for a more complete system of military discipline. It was an observation founded in undoubted facts, that the prosperity of nations had been in proportion to the discipline of their forces by sea and land; I was, therefore, for reporting the British articles of war, *totidem verbis*. Jefferson, in those days, never failed to agree with me, in every thing of a political nature, and he very cordially concurred in this. The British articles of war were, accordingly, reported, and defended in Congress by me assisted by some others, and finally carried. They laid the foundation of a discipline which, in time, brought our troops to a capacity of contending with British veterans, and a rivalry with the best troops of France. . . . .

"The articles are inserted in the Journal of this day, [September 20,] and need not be transcribed; they are the system which I persuaded Jefferson to agree with me in reporting to Congress. They fill about sixteen pages of the Journal. In Congress, Jefferson never spoke, and all the labor of the debate on those articles, paragraph by paragraph, was thrown upon me, and such was the opposition, and so undigested were the notions of liberty prevalent among the majority of the members most zealously attached to the public cause, that to this day I scarcely know how it was possible that these articles could have been carried. They were adopted, however, and have governed our armies with little variation to this day." John Adams, Autobiography, *Works*, III, 68, 83.

charged to the commissioners of Indian affairs for said department, three hundred and seventy seven dollars and of a 75/90 dollar:

To Robert Erwin, for the hire of four teams, and their ferriage, to New York, 162 20/90 dollars:

To Christian Vogt, for 116 meals of victuals supplied the troops on their march to New Jersey, 7 33/90 dollars; and that the same be paid to George Hufnagel:

To George Hufnagel, for 666 meals supplied the troops on their march to New Jersey, 42 25/90 dollars:

To Colonel Jeremiah Duggan, for the balance of his account for supplies to the army in Canada, exclusive of sundry articles for which he has produced no vouchers, 698 dollars and 45/90 of a dollar:

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 20, 1776

A letter of the 18th, from General Washington, with sundry papers enclosed, was laid before Congress, and read:[1]

Resolved, That the same be referred to a committee of five:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Benjamin] Franklin, Mr. [Edward] Rutledge, Mr. J[ohn] Adams, and Mr. [William] Hooper.

A petition from Harduin Mertlet, was presented to Congress, and read,

Resolved, That it be referred to the Canada committee.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 433.

The committee to whom was referred, the petition of Dr. Stringer, brought in their report, which was taken into consideration; whereupon,

Resolved, That Dr. Morgan was appointed director general and physician in chief of the American hospital:

That Dr. Stringer was appointed director and physician of the hospital in the northern department only·

That every director of a hospital possesses the exclusive right of appointing surgeons and hospital officers of all kinds, agreeable to the resolutions of Congress of the 17 of July, in his own department, unless otherwise directed by Congress:

That Dr. Stringer be authorized to appoint a surgeon for the fleet now fitting out upon the lakes:

That a Druggist be appointed in Philadelphia, whose business it shall be, to receive and deliver all medicines, instruments, and shop furniture for the benefit of the United States:

That a salary of thirty dollars a month be paid to the said druggist for his labour.

Congress proceeded to the election of a druggist, and, the ballots being taken, Dr. William Smith was elected.

The Board of Treasury reported, that there is due,

To Joseph Haight, for sundry supplies of provisions and wood for the British prisoners at Burlington, from the 10th June to the 18th July last, two hundred and seventy seven dollars and 36/90 of a dollar:

Ordered, That the same be paid

A letter from Mease and Caldwell was laid before Congress, and read:

Resolved, That it be referred to a committee of three:

The members chosen, Mr. [George] Walton, Mr. [Robert] Morris, and Mr. [Robert Treat] Paine.

Congress resolved itself into a committee of the whole to take into their farther consideration the Articles of Confederation; and after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee having had under consideration the articles of Confederation, had gone through the same, [and] have agreed to sundry articles, which he was ordered to submit to Congress.

The report of the committee being read,

Articles[1] *of Confederation and Perpetual Union, between the Colonies*[2] *of*

New-Hampshire,
Massachusetts-Bay,
Rhode-Island,
Connecticut,
New-York,
New-Jersey,
Pennsylvania,
The counties of New-Castle, Kent and Sussex on Delaware,
Maryland,
Virginia,
North-Carolina,
South-Carolina, and
Georgia.

FIRST PRINTED FORM

ART. I. THE Name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said Colonies unite themselves so as never to be divided by any Act whatever, and hereby severally enter into a firm League of Friendship with each

SECOND PRINTED FORM

ART. I. THE name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual

[1] A copy of this second printed issue of the Articles of Confederation is in the *Papers of the Continental Congress*, No. 47, folio 29. In order to show more clearly the changes made in the text while under consideration, the first printed form (see note under July 12, *ante*,) is printed in parallel with the second reported this day.

A copy of the first issue is in Jefferson Papers, with manuscript changes in the writing of Thomas Jefferson. These changes, except in the cases mentioned in the notes, follow those that are made by Thomson during the consideration of the Articles before August 20, and are thus embodied in the second printed form.

Jefferson made some notes on the debates, which are printed at the end of this year's journals.

[2] This word was changed to "States" in the second printed form of the Articles.

other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the said Colonies to assist one another against all Force offered to or attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.[2]

and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.[1]

ART. III. Each Colony shall retain and enjoy as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and Government of its internal police, in all matters that shall not interfere with the Articles of this Confederation.

ART. III. Each State reserves to itself the sole and exclusive regulation and government of its internal police, in all matters that shall not interfere with the articles of this Confederation.

ART. IV. No Colony or Colonies, without the Consent of the United States assembled, shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present, Emolument, Office, or Title of any Kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

ART. IV. No State, without the consent of the United States in Congress Assembled, shall send any Embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States or any [of] them, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince or foreign State; nor shall the United States Assembled, or any of them, grant any title of nobility.

[1] The Jefferson copy here adds "by any power foreign to this confederacy."

[2] On the Dickinson manuscript Thomson has written "agreed" against this article.

ART. V. No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the United States assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.[1]

ART. V. No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the Consent of the United States in Congress Assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

ART. VI. The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following Article.

ART. VII. The Inhabitants of each Colony shall enjoy all the Rights, Liberties, Privileges, Immunities, and Advantages, in Trade, Navigation, and Commerce, in any other Colony, and in going to and from the same from and to any Part of the World, which the Natives of such Colony enjoy.

ART. VIII. Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importations or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties hereafter entered into by the United States assembled, with the King or Kingdom of Great-Britain, or any foreign Prince or State.

ART. VI. No State shall lay any imposts or duties which may interfere with any stipulations in treaties hereafter entered into by the United States Assembled with any King, Prince or State.

[1] On the Dickinson manuscript Thomson has written "agreed" against this article.

ART. IX. No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Times of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in Public Stores, a due Number of Field Pieces and Tents, and a proper Quantity of Ammunition, and Camp Equipage.

ART. VII. No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States Assembled for the defence of such state or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress Assembled shall be deemed requisite to garrison the forts necessary for the defence of such State, but every State shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents and a proper quantity of mmunition and a camp equipage.

ART. X. When Troops are raised in any of the Colonies for the common Defence, the Commission Officers proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such manner as shall by them be directed.

ART. VIII. When land forces are raised by any State for the common defence, all officers of or under the rank of Colonel, shall be appointed by the legislatures of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. XI. All Charges of Wars and all other Expences that shall be incurred for the common Defence, or general Welfare, and allowed by the United States as-

postponed

ART. IX. All charges of war and all other expences that shall be incurred for the common defence, or general welfare, and allowed by the United States Assembled, shall be defrayed out of

sembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality except Indians not paying Taxes, in each Colony, a true Account of which, distinguishing the white Inhabitants shall be triennially taken and transmitted to the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by the United States assembled.[1]

ART. XII. Every Colony shall abide by the Determinations of the United States assembled, concerning the Services performed and Losses or Expences incurred by every Colony for the common Defence or general Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfactions, Indemnifications, Compensations, Retributions, Exemptions, or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

a common treasury, which shall be supplied by the several States in proportion to the number of inhabitants of every age, sex and quality except Indians not paying taxes, in each State, a true account of which, distinguishing the white inhabitants shall be triennially taken and transmitted to the Assembly of the United States. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States Assembled.

ART. X. Every State shall abide by the determinations of the United States in Congress Assembled, on all questions which by this Confederation are submitted to them.

[1] On the Dickinson manuscript Thomson wrote first "Postponed" and then "agreed" against this article.

ART. XIII. No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nations of Indians to invade such Colony or Colonies, and the Danger is so imminent, as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.[1]

ART. XIV. No Purchases of Lands, hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by

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ART. XI. No State shall engage in any war without the consent of the United States in Congress Assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent, as not to admit of a delay, till the other States can be consulted: Nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States Assembled, and then only against the Kingdom or State and the subjects thereof against which war has been so declared and under such regulations as shall be established by the United States Assembled.

[1] On the Dickinson manuscript Thomson has written "agreed" against this article.

them, and the great Councils of the Indians, for the general Benefit of all the United Colonies.[1]

ART. XV. When the Boundaries of any Colony shall be ascertained by Agreement, or in the Manner herein after directed, all the other Colonies shall guarantee to such Colony the full and peaceable Possession of, and the free and entire Jurisdiction in and over the Territory included within such Boundaries.[2]

postp[d]

ART. XVI. For the more convenient Management of the general Interests of the United States, Delegates should be annually appointed in such Manner as the Legislature of each Colony shall direct, to meet at the City of Philadelphia, in the Colony of Pennsylvania, until otherwise ordered by the United States assembled; which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates, respectively to recal

ART. XII. For the more convenient management of the general interests of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet at the city of Philadelphia, in Pennsylvania, until otherwise ordered by the United States in Congress Assembled; which meeting shall be on the first Monday in November in every year, with a power reserved to each State to recal its Delegates or any of them at any time within

[1] On the Dickinson manuscript Thomson has written "postponed till the 18 article is considered" against this article.

On the Dickinson manuscript is a slip in the writing of Thomas Jefferson which reads:

"Amendment proposed.

ART. XIV. No purchases hereafter to be made by individual States or persons of lands on this continent not within the boundaries of any of these United states, shall be valid: but all purchases of such lands shall be made by contract between the United states assembled or persons authorized by them, and the great Councils of the Indians; and when purchased shall be given freely to those who may be permitted to seat them."

[2] On the Dickinson manuscript Thompson has written "postponed till the 18 article is considered," against this article.

them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in a Meeting of the States, and while they act as Members of the Council of State, herein after mentioned.

ART. XVII. In determining Questions each Colony shall have one Vote.[1]

ART. XVIII. The United States assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article—Of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal—In what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated — Granting Letters of Marque and Reprisal in Times of Peace—Appointing Courts for the Trial of all Crimes, Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish — Establishing Courts for receiving and determining finally Appeals in all Cases of Captures—Sending and receiving ambassadors under any character — Entering into Treaties and Alliances — Settling all Dis-

the year, and to send others in their stead for the remainder of the year. Each State shall support its own Delegates in a meeting of the States, and while they act as members of the Council of State, herein after mentioned.

ART. XIII. In determining questions each State shall have one vote.

ART. XIV. The United States Assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the eleventh article—Of establishing rules for deciding in all cases, what captures on land or water shall be legal—In what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—granting letters of marque and reprisal in times of peace—appointing Courts for the trial of piracies and felonies committed on the high seas—establishing Courts for receiving and determining finally appeals in all cases of captures—sending and recieving Ambassadors—entering into treaties and alliances—deciding all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundaries, jurisdictions, or any other cause

[1] On the Dickinson manuscript Thompson wrote first "postponed" and then "agreed" against this article.

putes and Differences now subsisting, or that hereafter may arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever—Coining Money and regulating the Value thereof—Regulating the Trade, and managing all Affairs with the Indians[1]—Limiting the Bounds of those Colonies, which by Charter or Proclamation, or under any Pretence, are said to extend to the South Sea, and ascertaining those Bounds of any other Colony that appear to be indeterminate—Assigning Territories for new Colonies, either in Lands to be thus separated from Colonies and heretofore purchased or obtained by the Crown of Great-Britain from the Indians, or hereafter to be purchased or obtained from them—Disposing of all such Lands for the general Benefit of all the United Colonies—Ascertaining Boundaries to such new Colonies, within which Forms of Government are to be established on the Principles of Liberty—Establishing and regulating Post-Offices throughout all the United Colonies, on the Lines of Communication from one Colony to anwhatever—coining money and regulating the value thereof—fixing the standard of weights and measures throughout the United States—regulating the trade, and managing all affairs with the Indians, not members of any of the States—Establishing and regulating Post-Offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expences of said office—appointing general Officers of the land forces in the service of the United States — commissioning such other officers of the said forces as shall be appointed by virtue of the eighth article—appointing all the officers of the naval forces in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

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[1] On the Dickinson manuscript Thompson has written "agreed" against the first part of this article, and "postponed" against the part from "Limiting" to "Principles of Liberty."

other—Appointing General Officers of the Land Forces in the Service of the United States—Commissioning such other Officers of the said Forces as shall be appointed by Virtue of the tenth Article—Appointing all the Officers of the Naval Forces in the Service of the United States—Making Rules for the Government and Regulation of the said Land and Naval Forces—Appointing a Council of State, and such Committees and civil Officers as may be necessary for managing the general Affairs of the United States, under their Direction while assembled, and in their Recess, of the Council of State—Appointing one of their number to preside, and a suitable Person for Secretary—And adjourning to any Time within the Year.

The United States assembled shall have Authority for the Defence and Welfare of the United Colonies and every of them, to agree upon and fix the necessary Sums and Expences—To emit Bills, or to borrow Money on the Credit of the United Colonies—To raise Naval Forces—To agree upon the Number of Land Forces to be raised, and to make Requisitions from the Legislature of each Colony, or the Persons therein authorized by the Legislature to execute such Requisitions, for the Quota of each Colony, which is to be in Proportion to the Number

The United States in Congress Assembled shall have authority to appoint a Council of State, and such Committees and Civil Officers as may be necessary for managing the general affairs of the United States, under their direction while assembled, and in their recess under that of the Council of State—to appoint one of their number to preside, and a suitable person for Secretary—And to adjourn to any time within the year, and to any place within the United States—to agree upon and fix the necessary sums and expences—to borrow Money or emit bills on the

of white Inhabitants in that Colony, which Requisitions shall be binding, and thereupon the Legislature of each Colony or the Persons authorized as aforesaid, shall appoint the Regimental Officers, raise the Men, and arm and equip them in a soldier-like Manner; and the Officers and Men so armed and equiped, shall march to the Place appointed, and within the Time agreed on by the United States assembled.

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men, or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised, officered, armed and equiped in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the Legislature of such Colony or Colonies respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which Case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the Officers

credit of the United States—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State, for its quota in proportion to the number of white inhabitants in such State, which requisitions shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and arm and equip them in a soldier-like manner; and the officers and men so armed and equipped, shall march to the place appointed, and within the time agreed on by the United States Assembled.

But if the United States in Congress Assembled shall on consideration of circumstances judge proper, that any State or States should not raise men, or should raise a smaller number than the quota or quotas of such State or States, and that any other State or States should raise a greater number of men than the quota or quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the quota or quotas of such State or States, unless the the legislature of such State or States respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the

and Men so armed and equiped shall march to the Place appointed, and within the Time agreed on by the United States assembled.

officers and men so armed and equipped shall march to the place appointed, and within the time agrced on by the United States Assembled.

To establish the same Weights and Measures throughout the United Colonies.

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post-Office, nor interfere in the internal Police of any Colony, any further than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expences necessary for the Defence and Welfare of the United Colonies, or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise Naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same: Nor shall a Question on any other Point, except for adjourning be determined, unless the Delegates of seven Colonies vote in the affirmative.

The United States in Congress Assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances except for peace, nor coin money nor regulate the value thereof, nor agree upon nor fix the sums and expences necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander in Chief of the army or navy, unless nine States assent to the same: Nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States.

No Person shall be capable of being a Delegate for more than three Years in any Term of six Years.

No person shall be capable of being a Delegate for more than three years in any term of six years.

No Person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy—The Yeas and Nays of the Delegates of each Colony on any Question to be entered on the Journal, where it is desired by any Delegate; and the Delegates of a Colony, or any of them, at his or their Request, to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.

Art. XIX. The Council of State shall consist of one Delegate from each Colony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.

This Council shall have Power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any Engagements that shall be binding on the United States—To correspond with the Legislature of every Colony, and all Persons acting under the Authority of the United States, or of

No person holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy, the yeas and nays of the Delegates of each State on any question to be entered on the Journal, when it is desired by any Delegate; and the Delegates of a State, or any of them, at his or their request, to be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several States.

Art. XV. The Council of State shall consist of one Delegate from each State, to be a named annually by the Delegates of each State, and where they cannot agree, by the United States assembled.

This Council shall have power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any engagements that shall be binding on the United States—To correspond with the legislature of every State, and all persons acting under the authority of the United States, or of the said

the said Legislatures—To apply to such Legislatures, or to the Officers in the several Colonies who are entrusted with the executive Powers of Government, for occasional Aid whenever and wherever necessary—To give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall make such Change absolutely necessary—To attend to the Defence and Preservation of Forts and strong Posts, and to prevent the Enemy from acquiring new Holds—To procure Intelligence of the Condition and Designs of the Enemy—To expedite the Execution of such Measures as may be resolved on by the United States assembled, in Pursuance of the Powers hereby given to them—To draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in Pursuance of the Powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the Authority of the United States—In Case of the Death or Removal of any Officer within the Appointment of the United States assem-

legislatures—To apply to such Legislatures, or to the Officers in the several States who are entrusted with the executive powers of government, for occasional aid whenever and wherever necessary—To give counsel to the Commanding Officers, and to direct military operations by sea and land, not changing any objects or expeditions determined on by the United States Assembled, unless an alteration of circumstances which shall come to the knowledge of the Council after the recess of the States, shall make such change absolutely necessary—To attend to the defence and preservation of forts and strong posts—To procure intelligence of the condition and designs of the enemy—To expedite the execution of such measures as may be resolved on by the United States Assembled, in pursuance of the powers hereby given to them—To draw upon the treasurers for such sums as may be appropriated by the United States Assembled, and for the payment of such contracts as the said Council may make in pursuance of the powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the authority of the United States—In case of the death or removal of any Officer within the appointment of the United States Assembled, to employ a person to fulfill the Duties

bled, to employ a Person to fulfill the Duties of such Office until the Assembly of the States meet—To publish and disperse authentic Accounts of military Operations—To summon an Assembly of the States at an earlier Day than that appointed for their next Meeting, if any great and unexpected Emergency should render it necessary for the Safety or Welfare of the United Colonies or any of them—To prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their Proceedings—To appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity, before he enters on the Exercise of his Office—Seven Members shall have Power to act—In Case of the Death of any Member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, and if only one survives, they shall give immediate Notice, that he may take his Seat as a Councilor till such Meeting.

ART. XX. Canada acceding to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advan-

of such Office until the Assembly of the States meet—To publish and disperse authentic accounts of military operations—To summon an Assembly of the States at an earlier day than that appointed for their next meeting, if any great and unexpected emergency should render it necessary for the safety or welfare of the United States or any of them—To prepare matters for the consideration of the United States, and to lay before them at their next meeting all letters and advices received by the Council, with a report of their proceedings—To appoint a proper person for their Clerk, who shall take an oath of secrecy and fidelity, before he enters on the exercise of his office—seven Members shall have power to act—In case of the death of any Member, the Council shall immediately apply to his surviving colleagues to appoint some one of themselves to be a Member thereof till the meeting of the States, and if only one survives, they shall give immediate notice, that he may take his seat as a Councillor till such meeting.

ART. XVI. Canada acceding to this Confederation, and entirely joining in the measures of the United States,[1] shall be admitted into and entitled to all the advan-

[1] The Jefferson copy here inserts: "and all new colonies to be established by the United States assembled."

tages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolably be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every Colony.

tages of this Union: But no other Colony shall be admitted into the same, unless such admission be agreed to by nine States.

These Articles shall be proposed to the legislatures of all the United States, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolably be observed by every State, and the Union is to be perpetual: Nor shall any alteration at any time hereafter be made in these Articles or any of them, unless such alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every State.

Ordered, That eighty copies of the Articles of Confederation, as reported from the committee of the whole, be printed under the same injunctions as the former articles were printed, and delivered to the members under the like restrictions as formerly.

Resolved, That Mr. Hamilton Young be permitted to reside in Pensylvania, till the farther orders of Congress.

The committee appointed to prepare a device for a great seal for the United States, brought in the same, with an explanation thereof:

The great Seal sh'd on one side have the Arms of the United States of America, which Arms should be as follows: The Shield has six Quarters, parti one, coupé two. The 1st Or, a Rose enammelled gules and argent for England: the 2d argent, a Thistle proper, for Scotland:

the 3d Verd, a Harp Or, for Ireland: the 4th Azure a Flower de Luce Or for France: the 5th Or, the Imperial Eagle Sable for Germany: and the 6th Or, the Belgic Lion gules for Holland, pointing out the Countries from which these States have been peopled. The Shield within a Border Gules entoire of thirteen Scutcheons argent linked together by a chain Or, each charged with initial Letters Sable as follows: 1st N. H. 2d M. B. 3d R. I. 4th C. 5th N. Y. 6th N. J. 7th P. 8th D. C. 9. M. 10th V. 11th N. C. 12th S. C. 13 G. for each of the thirteen independent States of America.

Supporters, dexter the Goddess Liberty in a corselet of armour alluding to the present Times, holding in her right Hand the Spear and Cap, and with her left supporting the Shield of the States; sinister, the Goddess Justice bearing a Sword in her right hand, and in her left a Balance.

Crest. The Eye of Providence in a radiant Triangle whose Glory extends over the Shield and beyond the Figures.

Motto. E Pluribus Unum.

Legend, round the whole Atchievement. Seal of the United States of America MDCCLXXVI.

On the other side of the said Great Seal should be the following Device. Pharoah sitting in an open Chariot, a Crown on his head and a Sword in his hand passing through the divided Waters of the Red Sea in pursuit of the Israelites: Rays from a Pillow of Fire in the Cloud, expressive of the divine Presence and Command, beaming on Moses who stands on the Shore, and extending his hand over the Sea causes it to overwhelm Pharoah.

Motto. Rebellion to Tyrants is Obedience to God.[1]

[1] A copy of this report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 23, folio 143. The original idea was formed by Du Simitière, and his own account of it is in the *Jefferson Papers*, Fifth Series, VIII, No. 3. It differs from the report printed above in some particulars:

The Coat of Arms of the States of America.

The Shield has six quarters, parti one, coupé two; to the first it bears or, a rose ennamelled Gules and argent, for England; to the Second, argent a thistle proper, for Scotland; to the third vert, a harp or, for Ireland; to the fourth azure, a flower de luce or, for France; to the fifth or the Imperial Eagle Sable, for Germany; and to the Sixth or, the belgic Lyon Gules, for Holland. (these being the Six principal nations of Europe from whom the Americans have originated.) this Shield within a border gules entoire of thirteen Escutcheons argent linked together by a chain or, each charg'd with initial letters Sable, as follows.

1st NH. 2d MB. 3d RI. 4th C. 5th NY. 6th NJ. 7th P. 8th DC. 9th M. 10th V. 11th NC. 12th SC. 13th G. for each of the thirteen Independent States of America.

Supporters. dexter, the Goddess Liberty, in a corslet of armour, (alluding to the

Ordered, To lie on the table.

A letter of the 19th, from General Washington, was read.[1]

present times) holding in her right hand the Spear and Cap, resting with her left on an anchor, emblem of Hope. Senester, an american soldier, compleatly accoutred in his hunting Shirt and trowsers, with his tomahawk, powder horn, pouch &c. holding with his left hand his rifle gun rested, and the Shield of the States with his right.

Crest. the Eye of Providence in a radiant Triangle whose Glory extend over the Shield and beyond the Supporters.

Motto. E Pluribus Unum.

Legend. round the whole atchievement. Seal of the [thirteen] united [and independent] States of America. MDCCLXXVI.

In the Jefferson Manuscripts in the Library of Congress are two notes of suggestion on this seal. One in the writing of Franklin, and the other in that of Jefferson. Franklin's note reads:

"Moses [in the Dress of High Priest] standing on the Shore, and extending his Hand over the Sea, thereby causing the same to overwhelm Pharoah who is sitting in an open Chariot, a Crown on his Head and a Sword in his Hand. Rays from a Pillar of Fire in the Clouds reaching to Moses, [expressing] to express that he acts by [the] Command of the Deity.

"Motto, Rebellion to Tyrants is Obedience to God."

The note of Jefferson reads:

"Pharoah sitting in an open chariot, a crown on his head and a sword in his hand passing thro' the divided waters of the Red sea in pursuit of the Israelites: rays from a pillar of fire in the cloud, expressive of the divine presence, [reach] and command, reaching to Moses who stands on the shore and, extending his hand over the sea, causes it to over whelm Pharoah.

"Motto. Rebellion to tyrants is obed^ce to god."

Words in brackets were stricken out by the pen.

Jefferson merely noted a version of the Franklin suggestion. In the *Writings of Jefferson* (Ford), I, 420 is what purports to be a scheme of arms made in 1774, but the date assigned to it is doubtful. In a letter from John Adams to his wife, written August 14, 1776, he said:

"Doctor F. proposes a device for a seal. Moses lifting up his wand, and dividing the red sea, and Pharoah in his chariot over whelmed with the waters. This motto. 'Rebellion to tyrants is obedience to God.'

"Mr. Jefferson proposed, The children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night—and on the other side, Hengist and Horsa, the Saxon chiefs, from whom we claim the honor of being descended, and whose political principles and form of government we have assumed.

"I proposed, The choice of Hercules, as engraved by Gribelin, in some editions of Lord Shaftesbury's works. The hero resting on his club. Virtue pointing to her rugged mountain on one hand, and persuading him to ascend. Sloth, glancing at her flowery paths of pleasure, wantonly reclining on the ground, displaying the charms both of her eloquence and person, to seduce him into vice. But this is too complicated a group for a seal or medal, and it is not original."

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 443.

Information being given to Congress that the Crews of some of the American vessels have risen against their captains, and piratically seized the vessels, and that one of them being carried into England, the pirates have been publickly countenanced, and the vessel and cargo taken by administration, and sent to victual their fleet and army in America:

Resolved, That a committee of three be appointed to enquire into the circumstances of the captures, and report thereon:

The members chosen, Mr. [Benjamin] Franklin, Mr. [Robert] Morris, and Mr. [Thomas] Jefferson.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, AUGUST 21, 1776

A petition from Preudhome la Jeunesse was presented to Congress, and read.

Resolved, That it be referred to the Board of War.[1]

The committee to whom the memorial of Samuel Holden Parsons was referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That Bazil Bouderot, mentioned in the said memorial, be sent to the state of Massachusetts bay, and there delivered to the council of the said state, and that it

[1] This petition is in the *Papers of the Continental Congress*, No. 41, IV, folio 376. On this day the Board presented a report as follows:

"That the Petition of Preudhome la Jeunesse be granted, and a Commission be given him to be Captain of a Company of Canadians Arcadians and French to belong to Col. Livingstone's Regiment and to join the Army at Ticonderoga as soon as may be."

It was "ordered to lie." The report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 3.

be recommended to the said council to proceed against the said Bazil Bouderot according to the laws of their state; but, if they have no laws by which crimes committed out of their state may be tried within the same, that then they confine the said Bazil Bouderot, until the situation of public affairs will admit his being removed to Nova Scotia, where the crime is alleged to have been committed, and there submitted to a fair trial, according to the antient laws of that province.

The committee to whom part of the report from the Committee on Spies was re-committed, having brought in a report, the same was taken into consideration: Whereupon,

Resolved, That all persons, not members of, nor owing allegiance to, any of the United States of America, as described in a resolution of Congress of the 24th of June last, who shall be found lurking as spies in or about the fortifications or encampments of the armies of the United States, or of any of them, shall suffer death, according to the law and usage of nations, by sentence of a court martial, or such other punishment as such court martial shall direct.

Ordered, That the above resolution be printed at the end of the rules and articles of war.

Resolved, That 500,000 dollars be sent to the pay master general for the use of the army at New York.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That the Cannon Committee be directed to contract for the immediate casting of six 6 pounders, six 12 pounders, four 8 inch howitzers, four 6 inch howitzers, and 6 cohorn mortars, to be made of brass, if a sufficient quantity of that metal can be procured; if not,

to be cast of iron, and sent, as soon as possible, to General Gates for the use of the northern army, and that the said committee provide also carriages, and every thing necessary to complete the said artillery for service:

That Major General Ward be authorized and requested, if his health will permit, to continue in the command of the forces in the service of the United States, in the eastern department, until farther orders:

That the Cannon Committee be authorized to possess themselves of the copper said to be at New London, belonging to the United States.

Resolved, That Colonel Henry Knox be authorized to draw upon the pay master general for money sufficient to pay for any quantity of copper that can be procured for the use of the United States; he to render an account of the sums drawn for, and the copper purchased.

Resolved, That the letter from General Washington, received and read yesterday, and the letter from him of the 12, with the papers enclosed, be referred to the Board of War.

A letter to the Committee of Secret Correspondence was laid before Congress and read.

Resolved, That a committee of three be appointed to revise the resolutions of Congress, respecting the place where prizes are to be carried into, and to bring in such farther resolutions as to them shall seem proper:

The members chosen, Mr. [Thomas] Jefferson, Mr. [Robert] Morris, and Mr. J[ohn] Adams.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, AUGUST 22, 1776

A letter, of the 20th, from General Washington, enclosing a copy of Major Bigelow's journal, and General Carleton's orders of the 4th August;

A letter of the 16th, from General Schuyler, from Albany were laid before Congress, and read.[1]

The president laid before Congress a warrant for apprehending Thomas Reed, Patrick Ballantine, and Robert Gilmore, and informed that, in consequence thereof, a party of Light horse have brought the prisoners to town, and that they are now under a guard, at the Indian Queen tavern.

Resolved, That the prisoners be sent for examination with the warrant to the council of safety of Pensylvania.

Resolved, That the letter from General Washington, with the papers enclosed, be referred to the Board of War:

That the letter from General Schuyler be referred to the committee appointed to enquire into the causes of the miscarriages in Canada.

Resolved, That an order for one thousand four hundred dollars be drawn on the treasurers in favour of Alexander Tod, it being in full of an order in his favour, drawn by George Morgan, for goods purchased for the treaty at Pittsburg, and that the same be charged to the account of the commissioners for Indian affairs in the middle department.

Resolved, That an order for two thousand dollars be drawn on the treasurers, in favour of Colonel Mark Bird, who has contracted to cast cannon for the United States; he to be accountable.

[1] The letter of Washington, with enclosures, is in the *Papers of the Continental Congress*, No. 152, II, folio 447. It is printed in *Writings of Washington* (Ford), IV, 355. That of Schuyler is in No. 153, II, folio 271.

The Board of War brought in a report, which was read.

Ordered, To lie on the table.

The committee, to whom was referred the letter from General Washington of the 18th, brought in their report, which was read:

Ordered, To lie on the table.[1]

Congress then resolved itself into a committee of the whole, to take into their consideration, the form of a treaty; and, after some time, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matters to them referred; but, not having time to go through the same, desired leave to sit again.

Resolved, That Congress will, to morrow, resolve itself into a committee of the whole, to take into their farther consideration the plan of foreign treaties.

A letter of the 18th, from the council of safety of Maryland, was laid before Congress and read; Whereupon,[2]

Resolved, That twenty six thousand six hundred and sixty six and 2/3 dollars, be advanced to the council of safety of Maryland, for the use of the troops raised for the flying camp; they to be accountable.

A letter from Brigadier General Lewis; and, a letter from the committee of Carlisle, in Cumberland county, Pensylvania, enclosing a memorial from the officers, prisoners there, were laid before Congress and read;[3]

Resolved, That they be referred to the Board of War.

The Marine Committee having recommended Dudley Saltonstal to the command of the frigate *Trumbull;* Jona-

[1] "The Congress having considered the matter thoroughly, are of opinion to decline taking any public or further notice of his Lordship [Drummond] or his letters, and particularly as you have so fully expressed their sentiments on the subject in your letter to him." *Hancock to Washington*, 24 August, 1776.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 47.

[3] The letter of Lewis is in the *Papers of the Continental Congress*, No. 159, folio 246.

than Maltbay, first lieutenant, and David Phipps second lieutenant of the said frigate; —— Wilson to be first lieutenant of the *Washington*, John Nicholson second lieutenant of ditto; John Hodge to command the *Montgomery* frigate, at New York.

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Resolved, That the Secret Committee be directed to deliver to Major Nichols, a number of musquets, sufficient to arm the marines raising under his command in this city.

The Board of Treasury reported, that there is due,

To Robert Jewell, for a writing desk, stools, &c. for the use of the war office, the sum of 31 60/90ths dollars:

To John Bates, for 120 camp kettles, delivered to Colonel Clement Biddle, deputy quarter master general, 160 dollars:

To John Bogart, for the expences of burying a soldier of Captain Harman's company, and for maintenance and nursing of him, and one other soldier, belonging to Captain Willet's company, both of the 1st Pensylvania batallion, 19 30/90ths dollars; and for the expences of guards escorting powder, &c. 5 31/90ths dollars; the whole amounting to twenty four and 61/90ths of a dollar; and to be paid to Joseph Burrell:

To Oswald Eve, for surveying the inlets to the northward of Cape May, by order of a committee of Congress, the sum of 224 55/90ths dollars:

To Richard Bache, Stephen Paschall and Michael Hillegas, for superintending the press from December 13, 1775, to February 3, 1776, at printing the second emission of continental bills of credit, and of the ten thousand dollars, struck for the purpose of exchanging torn and ragged bills, forty five days, at 2 dollars each, agreeable to a resolve of Congress, the sum of 270 dollars:

To James Budden, for hire of waggons and expences of prisoners, &c. to Reading and Carlisle, 164 54/90ths dollars:

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, AUGUST 23, 1776

A letter of the 21 from General Washington, enclosing a copy of a letter from him to Lord Howe, together with his lordship's answer, was laid before Congress, and read:[1]

Resolved, That the same be referred to the Board of War, with orders to publish ~~such parts as they think proper of~~ the letter from General Washington to Lord Howe, and his lordship's answer.

A petition from William Holton was read,

Resolved, That it be referred to the Marine Committee.

A petition from James M'Henry was read;

Resolved, That it be referred to the Medical Committee.

A petition from Lewis Prahl, gun smith, was presented to Congress and read; praying that the work men in his manufactory may be exempted from going to the flying camp, and particularly that two of his hands, who have inlisted, may be discharged:

Resolved, That the prayer of the petition be granted.

The delegates from Pensylvania and Connecticut, to whom was referred the application of the convention of Pensylvania, and the inhabitants settled under Connecti-

[1] This letter, with enclosures, is in the *Papers of the Continental Congress*, No. 152, II, folio 459.

cut, in the town of Westmoreland, brought in their report, which was taken into consideration; Whereupon,

Resolved, That six companies, on the continental establishment, be raised in Pensylvania, and posted along the frontiers of the counties of Northampton and Northumberland and parts adjacent, till further orders of Congress:

That suitable persons be recommended to Congress, by the convention of Pensylvania, for a lieutenant colonel and major, to command said forces, to be appointed by Congress, and that the said convention appoint the captains and subalterns:

That two companies, on the continental establishment, be raised in the town of Westmoreland, and stationed in proper places for the defence of the inhabitants of the said town and parts adjacent, till farther orders of Congress; the commission officers for the said two companies to be immediately appointed by Congress:

That the pay of the men to be raised as aforesaid, commence when they are armed and mustered, and that they be liable to serve in any part of the United States, when ordered by Congress:

That the said troops be inlisted to serve during the war, unless sooner discharged by Congress.

Resolved, That any number of troops, ordered into the service of the continent, by Maryland, above the quota of that state, be taken into continental pay.

A letter from Mrs. Temple, of Charlestown, in Massachusetts bay, was laid before Congress, and read:

Resolved, That it be referred to a committee of three.

The members chosen, Mr. [William] Hooper, Mr. [Thomas] Heyward, and Mr. [Thomas] Stone.

Resolved, That an order for 30,000 dollars be drawn on

the treasurers, in favour of Mr. James Mease, commissary, for the public service; he to be accountable.

Congress resumed the consideration of the report from the Marine Committee; Whereupon,

Resolved, That the Marine Committee be authorized and empowered to purchase materials, in all such parts of America as they may think proper, for building more ships of war, and that the said committee report to Congress a plan of the ships that should be built in addition to the present navy.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 26, 1776

Three letters, from General Washington, of the 22d and 23d, with sundry papers enclosed; also

A letter of the 18, from General Schuyler, were laid before Congress, and read; ||and the same, together with the minutes of the treaty held with the Indians at the German Flats, were referred to the standing committee on Indian affairs.||[1]

A letter from William Coxe and others, owners of three privateers fitting out in Philadelphia, was laid before Congress and read.

Resolved, That it be referred to the Marine Committee.

A petition from George Measam was presented to Congress and read.

Resolved, That it be referred to the Board of War.[2]

[1] Two letters of Washington of these dates and one of the 24th are in the *Papers of the Continental Congress*, No. 152, II, folios 471, 483, and 487. That of Schuyler is in No. 153, II, folio 285.

[2] This petition, dated Philadelphia, August 25, 1776, is in the *Papers of the Continental Congress*, No. 42, V, folio 27.

A letter from William Finnie, deputy quarter master general in the southern department, was laid before Congress, and read.[1]

Resolved, That the said letter, together with the letters from General Washington, with the papers enclosed, be referred to the Board of War.

That the letter from General Schuyler, with the minutes of the treaty held with the six Nations, at the German Flats, be referred to the standing committee on Indian affairs.

Congress proceeded to the election of sundry officers, when Jonathan Dayton was elected regimental pay master of Colonel Dayton's batallion; Robert Durkee and Samuel Ransom, were elected captains of the two companies ordered to be raised at Westmoreland; James Welles and Perin Ross, first lieutenants; Asahel Buck and Simon Spalding, second lieutenants; Heman Swift and Matthew Hollomback, ensigns of the said companies.

On application from the convention of the state of Pensylvania,

Resolved, That one hundred thousand dollars be lent to the said convention of Pensylvania, to be put into the hands of the council of safety of the said state, which is to be accountable.

Resolved, That the Secret Committee be directed to send to Captain Durkee two hundred pounds of powder, and a proportionable quantity of lead, for the use of the two companies to be raised at Westmoreland.

Resolved, That an order for five hundred dollars be drawn on the treasurer, in favour of Mr. Philip Schuyler, in full for 500 lb. of powder purchased on the Eastern Shore, for the use of the continental forces.

[1] This letter, dated August 17, is in the *Papers of the Continental Congress*, No. 78, IX, folio 39.

Resolved, That the president be empowered to give orders for the payment of the bills drawn by the treasurers of North Carolina, for the use of the continental forces in that state.

On application of the parties,

Resolved, That the hearing and determining upon the appeal against the verdict and judgment passed upon the schooner *Thistle*, be farther postponed to Monday, the 9th of September next.

A petition from sundry paper makers was presented to Congress, and read, praying that Nathan Sellers, an associator in Colonel Paschall's batallion, and who has marched to New Jersey, may be ordered to return, to make and prepare suitable moulds, washers, and utensils for carrying on the paper manufactory:

Resolved, That the prayer of the petition be granted.

Congress resumed the consideration of the report of the committee on disabled soldiers and seamen, which was agreed, as follows:

Whereas, in the course of the present war, some commissioned and non-commissioned officers of the army and navy, as also private soldiers, marines, and seamen, may lose a limb, or be otherwise so disabled as to prevent their serving in the army or navy, or getting their livelihood, and may stand in need of relief:

Resolved, That every commissioned officer, non-commissioned officer, and private soldier, who shall lose a limb in any engagement, or be so disabled in the service of the United States of America as to render him incapable afterwards of getting a livelihood, shall receive, during his life, or the continuance of such disability, the one half of his monthly pay from and after the time that his pay as an officer or soldier ceases; to be paid by the committee as hereafter mentioned:

That every commander of any ship of war or armed vessel, commissioned officer, warrant officer, marine or seaman, belonging to the United States of America, who shall lose a limb in any engagement in which no prize shall be taken, or be therein otherwise so disabled as to be rendered incapable of getting a livelihood, shall receive, during his life, or the continuance of such disability, the one half of his monthly pay, from and after the time that his pay as an officer or marine or seaman ceases; to be paid as hereafter mentioned. But, in case a prize shall be taken at the time such loss of limb or other disability shall happen, then such sum as he may receive out of the net profits of such prize, before a dividend is made of the same, agreeable to former orders of Congress, shall be considered as part of his half pay, and computed accordingly:

That every commissioned officer, non-commissioned officer, and private soldier, in the army, and every commander, commission officer, warrant officer, marine, or seaman of any of the ships of war, or armed vessels belonging to the United States of America, who shall be wounded in any engagement, so as to be rendered incapable of serving in the army or navy, though not totally disabled from getting a livelihood, shall receive such monthly sum towards his subsistence as shall be judged adequate by the assembly or other representative body of the state where he belongs or resides, upon application to them for that purpose, provided the same doth not exceed his half pay.

Provided, that no commission officer, non-commissioned officer, and private soldier, in the army, commander, commission officer, warrant officer, marine or seaman of any of the ships of war, or armed vessels, belonging to the United States of America, who shall be

wounded or disabled as aforesaid, shall be entitled to his half pay or other allowance, unless he produce to the committee or officer appointed to receive the same, in the state where he resides or belongs, or to the assembly or legislative body of such state, a certificate from the commanding officer, who was in the same engagement in which he was so wounded, or, in case of his death, from some other officer of the same corps, and the surgeon that attended him, or a certificate from the commander of the ship of war or armed vessel engaged in the action, in which any officer, marine, or seaman, received his wound, and from the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship of war, or armed vessel, to which he belonged, his office or rank therein, the nature of his wound, and in what action or engagement he received it.

That it be recommended to the several assemblies or legislative bodies of the United States of America, to appoint some person or persons in their respective states, who shall receive and examine all such certificates, as may be presented to them, and register the same in a book, and also what support is adjudged by the assembly or legislative body of their state, to those, whose case requires but a partial support, and also of the payment from time to time of every half pay and other allowance, and of the death of such disabled person, or ceasing of such allowance, and shall make a fair and regular report of the same quarterly to the secretary of Congress or Board of War, where a separate record shall be kept of the same:

That it be recommended to the assemblies or legislative bodies of the several states, to cause payment to be made of all such half pay or other allowances as shall be adjudged due to the persons aforenamed, on account of the United States.

Provided, that all such officers and soldiers that may be entitled to the aforesaid pension, and are found to be capable of doing guard or garrison duty, shall be formed in a corps of invalids, and subject to the said duty; and all officers, marines, and seamen of the navy who shall be entitled to the pension aforesaid, and shall be found capable of doing any duty on board the navy, or any department thereof, shall be liable to be so employed:

Ordered, That the above be published.[1]

The Medical Committee, to whom Dr. M'Henry's petition was referred, brought in their report: Whereupon,

Resolved, That Congress have a proper sense of the merit and services of Dr. M'Henry, and recommend it to the directors of the different hospitals belonging to the United States, to appoint Dr. M'Henry to the first vacancy that shall happen, of a surgeon's berth in any of the said hospitals.

A letter of the 22d, from Colonel James Wilson, was laid before Congress, and read.

Resolved, That it be referred to Mr. [Thomas] Jefferson, Mr. [Benjamin] Franklin, and Mr. J[ohn] Adams.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 27, 1776

A letter of the 23, from General Mercer, was laid before Congress, and read.

Resolved, [That it be] referred to the Board of War.[2]

[1] Printed in the *Pennsylvania Gazette*, 4 September, 1776.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 301. In it the writer expressed surprise that no distinction was made between officers and privates in the resolution offering rewards to foreign troops. The suggestion led to the further resolutions of August 27.

A petition from Pelatiah Webster, was presented to Congress, and read, praying leave to sell the sloop *Betsey*, belonging to Abiel Wood, of Pownalborough, in the province of Maine; from selling of which he is restrained by the committee of inspection of the city and liberties of Philadelphia, on account of exceptions taken to the political character of the owner: Whereupon,

Resolved, That the petitioner have leave to sell the said sloop; the money arising from the sale, to be lodged in the hands of the assembly of Massachusetts bay, and by them disposed of in the same manner as the other estate of the said owner.

Resolved, That Zebulon Butler, Esqr be appointed to supply the two companies ordered to be raised in the town of Westmoreland, with provisions; and that he be allowed therefor, at the rate of one twelfth part of a dollar per ration, until farther order of Congress.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That it be recommended to the legislature of the commonwealth of Virginia, to provide cloathing for the continental troops raised in that state; the expence of the said cloathing to be paid out of the continental military chest for the southern department, and deducted out of the soldiers' pay:

That Mr. Measam, who petitions to be provided for on the score of his having served in Canada, and also desires payment of an account against the continent, be referred to the Treasury Board, for a settlement of his account.

Resolved, That the Secret Committee be directed to deliver to the Maryland troops, such arms as are in their possession, belonging to the continent, and not already appropriated; the state of Maryland to be accountable for such arms delivered to their troops.

The committee, to whom the letter from Colonel Wilson was referred, brought in their report, which was taken into consideration: Whereupon, Congress came to the following resolutions:

Congress proceeding to take into farther consideration the expediency of inviting, from the service of his Britannic majesty, such foreigners as are engaged therein, and expecting that, among the officers having command in the said foreign corps, there may be many of liberal minds, possessing just sentiments of the rights of human nature, and of the inestimable value of freedom, who may be prompted to renounce so dishonourable a service, by the feelings of humanity, and a just indignation at the office to which they are devoted by an infamous contract between two arbitrary sovereigns, and at the insult offered them, by compelling them to wage war against an innocent people, who never offended them, nor the nation to which they belong, but are only contending for their just rights; and willing to tender to them also, as they had before done to the soldiers of their corps, a participation of the blessings of peace, liberty, property and mild government:

Resolved, That this Congress will give, to all such of the said foreign officers, as shall leave the armies of his Britannic majesty in America, and chuse to become citizens of these states, unappropriated lands, in the following quantities and proportions, to them and their heirs in absolute dominion; to wit, to a colonel, 1,000 Acres; to a lieutenant colonel, 800 Acres; to a major, 600 Acres; to a captain, 400 Acres; to a lieutenant, 300 Acres; to an ensign, 200 Acres; to every non-commissioned officer, 100 Acres, and to every other officer or person employed in the said foreign corps, and whose office or employment is not here specifically named, in the like proportion to their rank or pay in the said corps; and, moreover, that where any offi-

cers shall bring with them a number of the said foreign soldiers, this Congress, besides the lands before promised to the said officers and soldiers, will give to such officers further rewards, proportioned to the numbers they shall bring over, and suited to the nature of their wants. Provided, that such foreign officers or soldiers shall come over from the said armies of his Britannic majesty, before these offers shall be recalled.[1]

Resolved, That this Congress agrees to the proposition from General Howe, that in exchanges of prisoners, the choice shall be made by the respective commanders for their own officers and men; provided the respective com-

[1] "The Congress being advised that there was a probability that the Hessians might be induced to quit the British service by offers of land, came to two resolves for this purpose, which, being translated into German and printed, are sent to Staten-Island, to be distributed, if practicable, among those people. Some of them have tobacco marks on the back, that so tobacco being put up in them in small quantities, as the tobacconists use, and suffered to fall into the hands of these people, they might divide the papers as plunder before their officers could come to the knowledge of the contents, and prevent their being read by the men. That was the first resolve. A second has since been made for the officers themselves. I am desired to send some of both sorts to you, that if you find it practicable, you may convey them among the Germans that shall come against you." *Franklin to General Gates*, 28 August, 1776. Force, *American Archives*, Fifth Series, I, 1193.

See resolution passed November 27, *post*.

In the *Jefferson Papers* (5th Series, X) is the following draft of an address, in the writing of George Wythe: The words in brackets were stricken out:

"*The delegates of the thirteen united colonies of America to the officers and soldiers of*

"It is with no small pleasure, when in this first address we ever made to you we must call you enemies, that we can affirm you to be unprovoked enemies. We have not invaded your country, slaughtered wounded or captivated your parents children or kinsfolk, burned plundered or desolated your towns and villages, wasted your farms and cottages, spoiled you of your goods, or annoyed your trade. On the contrary, [~~many of~~] all your countrymen who dwell among us, were received as friends, and treated as brethren, participating equally with our selves of all our rights franchises and privileges. We have not aided ambitious princes and potentates in subjugating you. We should glory [~~in~~] being [~~the~~] instrumental in [~~of~~] the deliverance of mankind from bondage and oppression. What then induced you to join in this quarrel with our foes, strangers to you, unconnected with you, and at so great a distance from both you and us? Do you think the cause you are engaged in just on your side? To decide that we might safely appeal to the judicious and impartial—but we have appealed to the righteous judge of all the earth, inspired with humble

manders shall also have a right to make choice what citizens shall be given in exchange by the other.

Congress resolved itself into a committee of the whole, to take into their farther consideration the plan of foreign treaties; and, after some [time,] the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matter referred to them, and have gone through the same, and made sundry amendments therein.

Resolved, That the plan of treaties, with the amendments, be referred to the committee who brought in the

[~~hopes~~] confidence and well-grounded [~~confidence~~] hopes, that the lord of hosts will fight our battles, whilst we are vindicating that inheritance we own ourselves indebted to his bounty alone for. Were you compelled by your sovereigns to undertake the bloody work of butchering your unoffending fellow-creatures? [~~Cease to obey the~~] Disdain the inhuman office, disgraceful to the soldier. Did lust of conquest [~~tempt~~] prompt you? The victory, unattainable by you if heaven was not against us, which [~~you have~~] we know of no good reason [~~to~~] you have to expect, or [~~you~~] we to dread, shall cost you more than the benefits derived from it will be equivalent to; since it will be disputed by those who are resolved inflexibly to live no longer than they can enjoy the liberty you are hired to rob them of, and who are conscious of a dignity of character, which a contempt of every danger threatening the loss of that blessing seldom fails to accompany. Were you tempted by the prospect of exchanging the land you left for happier regions,—for a land of plenty and abhorrent of despotism? We wish this may be your motive; because we have the means, and want not inclination, to gratify your desires, if they be not hostile, without loss to ourselves, perhaps with [~~out~~] less expense, certainly with more honour and with more advantage to you than victory can promise. Numberless germans and other foreigners settled in this country [~~and thriving under the influence of its mild gove~~] will testify this truth. To give you farther assurance of it, we have resolved,

"Mistake not this for an expedient suggested by fear. In military virtue we doubt not americans will prove themselves to be second to none; their numbers exceed you and your [~~associates~~] confederates; in resources they now do or soon will abound. Neither suppose that we would seduce you to a treacherous defection. If you have been persuaded to believe, that it is your duty, or will be your interest [~~these~~] to assist those who prepare, in vain we trust, to destroy us; go on; and, when you shall fall into our hands, and experience less severity of punishment than ruffians, and savages deserve, attribute it to that lenity, which is never separate from magnanimity. But if, exercising your own judgments, you have spirit enough to assert that freedom which all men are born to, associate yourselves with those who desire, and think they are able to secure it, with all the blessings of peace, to you and your posterity."

[original] plan, in order to draw up instructions pursuant to the amendments made by the committee of the whole.

That two members be added to the committee:

The members chosen, Mr. R[ichard] H[enry] Lee and Mr. [James] Wilson.

A petition from the deputy commissary general was laid before Congress, and read.

Resolved, That it be referred to the Board of War.

Sundry members of the committee, appointed to revise the journals, and superintend the printing thereof, being absent,

Resolved, That four members be added to the said committee, any two to be a quorum:

The members chosen, Mr. [Thomas] Heyward, Mr. [William] Hooper, Mr. [William] Williams, and Mr. [George] Walton.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, AUGUST 28, 1776

A letter of the 26th, from General Washington, with copy of a letter to him from Lord Drummond; also,

A letter of the 27th, from Captain F. Wade, being received, were read:[1]

A petition from Jacob Bankson, and one from Jean Langeay, were presented to Congress, and read.[2]

Resolved, That the letter from Captain Wade be referred to the Board of Treasury, and that they be directed

[1] The letter of Washington, with enclosures, is in the *Papers of the Continental Congress*, No. 152, II, folio 493. It is printed in *Writings of Washington* (Ford), IV, 369.

[2] The petition, without date, of Jean Langeay, is in the *Papers of the Continental Congress*, No. 42, IV, folio 96.

to forward to him 100 dollars; he to be accountable; that the petitions be referred to the Board of War.

Resolved, That an order for 500,000 dollars be drawn on the treasurer, in favour of the Marine Committee, they to be accountable for the expenditure of the same.

Resolved, That an order for 5,000 dollars be drawn on the treasurer, in favour of the delegates of Georgia, for the purpose of purchasing riffles for the troops ordered to be raised for the defence of that state, and for defraying [the expenses of] their march to Georgia; the said delegates to be accountable for the expenditure.

Information being given to Congress that one of the Virginia batallions was on their march to New Jersey, intending to pass through Yorktown and Philadelphia; Whereupon,

Resolved, That the commanding officer of the said batallion be directed to continue their march from Yorktown, by the nearest route, to New Jersey; there to be subject to the orders of General Washington.

The Marine Committee having recommended Joseph Greenway to be a third lieutenant on board the *Delaware* frigate, commanded by Charles Alexander, Esqr

Resolved, That he be accepted, and that a commission be granted to him accordingly.

A petition from Jacob Fowler was presented to Congress, and read.

Resolved, That it be referred to the standing committee for Indian affairs.

Resolved, That the Marine Committee be empowered to lend ~~eight~~ ten bolts of light duck to the delegates of Maryland, for the use of their troops; provided the same can be done without prejudicing the [marine] service.

Resolved, That an order for £117 2 0=312 24/90ths dollars be drawn on the treasurer, in favour of Josiah

Bartlett Esq[r] and others, committee for purchasing medicines; the same being for a box of rhubarb bought of Pelatiah Webster.

The delegates of Virginia produced the credentials of their appointment, which were read and are as follows:

VIRGINIA, SCIT. IN CONVENTION, THURSDAY, *June 20, 1776.*

The Convention proceeded, according to the order of the Day, to the Appointment of Delegates to represent this Colony in General Congress, and, the Members having prepared Tickets, and put the same into the Ballot Box, Mr. Treasurer, Mr. George Mason, Mr. Blair, Mr. Holt, and Mr. Henry Tazewell, were appointed a Committee to examine the same, and report upon whom the Majority falls; and, it appearing, from the Report of the Committee, the Majority was in favour of George Wythe, Thomas Nelson, Richard Henry Lee, Thomas Jefferson, and Francis Lightfoot Lee, Esqrs.,

Resolved, therefore, That the said George Wythe, Thomas Nelson, Richard Henry Lee, Thomas Jefferson, and Francis Lightfoot Lee, Esqrs., be, and they are hereby, appointed Delegates to represent this Colony in General Congress for one Year, from the 11th of August next.

Resolved, That any three of the said Delegates be a sufficient Number to represent this Colony in the said General Congress.

A Copy: JOHN TAZEWELL, *Clk. Conv.*

The committee to whom the letter from Mease and Caldwell was referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That five hundred pound weight of gun powder be delivered to the said Mease and Caldwell, for the purpose of procuring deer skins, to make breeches for the soldiery in the service of the United States; they to be accountable.

That the Secret Committee be directed to fall upon proper ways and means of procuring a further supply of deer skins, for the like purpose, from Georgia and South Carolina.

The committee, appointed to take into consideration the letter from Harriot Temple, to the president of Congress, brought in their report, which was taken into consideration; Whereupon,

Resolved, That, upon the said Harriot's producing to the quarter master general, an account of the trees which were cut down upon the farm of Robert Temple, Esqr for the purpose of supplying the continental army with wood for firing, or for the purposes of fortification, so far as from the nature of the circumstances such destruction can be ascertained by her, that the quarter master general of the continental army, shall make her a just compensation for the same, in such manner as other persons have been paid, who have supplied the army with wood for these purposes; and that the quarter master general, in his accounts, shall be allowed for the same by this Congress.

Congress took into consideration the report of the committee for enquiring into, and rectifying, the defects in the powder, manufactured for the United States; and, thereupon,

Resolved, That there be an Inspector or inspectors sufficiently qualified to judge the goodness of gun powder, who shall examine every cask of gun powder manufactured, or to be purchased on account of the United States, by the most approved method of ascertaining the quality of gun powder; the said inspector or inspectors to receive one eighth part of a dollar for every hundred weight of powder he or they shall so examine:

That no gun powder be received into the public magazine for the use of the United States of America, or delivered from the powder mills for that purpose, but such as has been approved of by the public inspector,

as to its quickness in firing, strength, dryness, and other necessary qualities:

That the inspector mark each cask approved, with the letters U. S. A. and such other marks as are necessary to distinguish the several sorts of gun powder:

That every maker of gun powder, mark every cask, in which he shall pack his gun powder, with the first letters of his name:

That gun powder be put into no cask but such as are well seasoned and dry:

That it be recommended to the legislatures of the several states of America, to cause suitable inspectors to be appointed, to examine and determine the quality of all gun powder manufactured within their jurisdiction, and that no person be allowed to vend any gun powder, manufactured in any of the states of America, unless the same, in the judgment of such inspector, shall be of sufficient quality; and to make such laws for executing this, or any other regulations for promoting the manufacture of good gun powder, as to them may seem most convenient.

Ordered, To be published.[1]

Congress then proceeded to the election of an inspector of gun powder; and, the ballots being taken,

Robert Towers was chosen.

Resolved, That five hundred thousand dollars be sent to the pay master general at New York:

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] Printed in the *Pennsylvania Gazette*, 4 September, 1776.

THURSDAY, AUGUST 29, 1776

A letter, of the 27th, from R. H. Harrison, secretary to General Washington, was laid before Congress, and read.

Also, a letter of the 28th, from General Mercer, both giving an account of an action on Long Island, and referred to the Board of War.[1]

A letter, of the 28, from Richard Dallam, deputy pay master general for the flying camp, was read; Whereupon,

Resolved, That an order for 10,000 dollars be drawn on the treasurers, in favour of Gustavus Risberg, and the same charged to the account of Mr. Dallam:

That the letter [from Mr. Dallam] be referred to the Board of Treasury.

It being represented by Dr. B[enjamin] Franklin, one of the late commissioners to Canada, that Mons. Bernard Mousac de la Marquisie had a commission given to him by the said commissioners, to be a captain and engineer in one of the regiments to be raised there, but that he lost his commission, with his baggage, at Chambly; it was, thereupon,

Resolved, That a new commission be granted to him.

A letter of the 3d, from Lord Sterling, was read.

Resolved, That it be referred to the Cannon Committee.

The Marine Committee having recommended Alpheus Rice to be first lieutenant of marines, on board the brig *Hampden*, commanded by Hoysted Hacker, Esqr,

Resolved, That he be accepted, and that a commission be granted to him accordingly.

[1] The letter of Harrison is in the *Papers of the Continental Congress*, No. 152, II, folio 499. That of Mercer is in No. 159, folio 178.

The committee appointed to consider the claims of Canadians, who have been in the service of the continent, reported,

That Samuel Morrison, who appears, by the certificates of lieutenant colonels Williams and Brown, to have been at the siege of Quebec two months and six days, and to have rendered essential service in several capacities, and had been promised a commission of captain, which he never received, be allowed the sum of 40 dollars, in full for his said services:

That the petition of Hardouin Merlet, for a pension, in consideration of his services, not being supported by any certificate, or voucher relating to such services, we do not see that, at present any allowance can properly be made to him:

That there be paid to Francis Bourignon, the sum of 45 1/3 dollars, due him for his service, as a private, three months, and as a serjeant, four months, in Colonel Hazen's and Colonel Brown's regiments:

The said report being read, was agreed to.

A letter of the 2d, from General Lee, at Charleston, with an intercepted letter enclosed, was laid before Congress, and read.

Resolved, That Mr. J. Mease be directed to provide proper cloathing for the German batallion, and also for the two batallions of Virginians on their march to New York, the cost of the same cloathing to be deducted out of the pay of the men by stoppages.

Resolved, That the Secret Committee be directed to provide proper arms for the German batallion; and, in case they cannot otherways provide arms, that they be empowered to apply to this purpose the arms ordered to be put into the hands of the marines:

That the said committee be directed to deliver to Mr. James Mease the one bale of cloth in their possession, for the public service, he to be accountable.

That the said committee be directed to import the medicines ordered by the Medical Committee.

The Board of Treasury reported, that there is due,

To Joseph Sheerer, for account of Captain Cowden, for 608 rations due to his company of militia, at the time of their march from Lancaster county, on their way to New Jersey, fifty four dollars and 4/90 of a dollar.

To Joseph Sheerer, for account of Captain James Murray, for 700 rations due to his company of militia, at the time of their march from Lancaster county, on their way to New Jersey, 61 20/90 dollars:

To Richard Cheney, for 1,311 meals victuals, supplied the militia on their march to New Jersey, 122 66/90 dollars:

To David Jones, for his pay as chaplain to the 3d and 4th Pensylvania batallions, from the 13th of June to the 29 of August, inclusive, 84 40/90 dollars:

To Josiah Fessenden, for services as an express, twice, once to Virginia, and once to ——, including horse hire and travelling expences, 89 dollars:

Ordered, That the said accounts be paid.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That George Measam, Esqr be continued in the office of superintendent, commissary of stores, except artillery stores, for the northern army, with the pay of thirty three dollars and one third of a dollar per month.

Resolved, That a committee of three be appointed to devise ways and means of regulating the post office, and of establishing advice boats between the southern colonies

and Philadelphia, so as to facilitate and expedite the conveying of intelligence from one part of the continent to another:

The members chosen, Mr. [Thomas] Heyward, Mr. [Thomas] Jefferson, and Mr. [Robert] Morris.

Resolved, That the letter enclosed in General Lee's, of the 2d, which was found on Long Island, in South Carolina, be published.

Resolved, That the letters received and read this morning, be referred to the Board of War.

A letter from Monsieur Le Chevalier Sauralle was laid before Congress, and read.[1]

Resolved, That it be referred to the Board of War.

Resolved, That the committee to whom the plan of treaties, as amended, was re-committed, be empowered to prepare such farther instructions as to them shall seem proper, and make report thereof to Congress.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, AUGUST 30, 1776

A letter of the 29th, from General Washington, and a letter of the 22d, from Governor Trumbull, were laid before Congress, and read.[2]

Resolved, That the letter from Governor Trumbull be referred to the Board of Treasury.

Resolved, That the duck, in the hands of Mr. Green, at Rhode Island, be made up into tents, and forwarded, with all possible expedition, to General Washington.

[1] This letter is in the *Papers of the Continental Congress*, No. 41, IX, folio 1.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 503. It is printed in *Writings of Washington* (Ford), IV, 371.

Resolved, That Mr. J. Mease be directed to purchase all the linen in this city, suitable for tents, and have the same made into tents, as soon as possible, and report to Congress immediately the quantity that can be procured.

A memorial from David White, of the county of Somerset, in New Jersey, was presented to Congress, and read; Whereupon,

Resolved, That, from the state of facts in the said petition, Congress have no objection to his being excused from bearing arms, but remit the same to the assembly of New Jersey, to whom the enquiry and determination properly belong.

A memorial from Mr. Kosciusko was presented to Congress, and read.

Resolved, That it be referred to the Board of War.

Congress took into consideration the report of the committee on Governor Trumbull's letter of the 19th July, and, after debate,

Resolved, That the same be re-committed for the purpose of stating the facts and circumstances that induced Governor Trumbull to stop the vessels going out of the sound.

The committee for regulating the post office, brought in their report, which was taken into consideration; Whereupon,

Resolved, That the communication of intelligence with frequency and despatch, from one part to another of this extensive continent, is essentially requisite to its safety; that, therefore, there should be employed on the several post roads, a rider for every twenty five or thirty miles, whose business it shall be, to proceed through his stage three times in every week, setting out immediately on receipt of the mail, and travelling with the same, by night and by day, without stopping, until he shall have delivered

it to the next rider; and that the post master general be desired, either by the use of way bills, or by such other means as he shall find most efficacious, to prevent delays in the riders, or to discover where they happen, that such dilatory riders may be discharged.

And, as it is requisite that the deputy post masters should attend with punctuality at their several offices for the receipt and delivery of letters,

Resolved, That it be recommended to the assemblies and conventions of these states, to consider how far it may be consistent with the policy and the good of their respective states, to excuse such deputy post masters from those public duties, which may call them from attendance at their offices, and to proceed therein as to their wisdom shall seem best.[1]

Resolved, That three advice boats be established; one to ply between the state of North Carolina, and such port as shall be most convenient to the place at which the Congress shall be sitting; one other between the state of South Carolina and the said port, and one other between the state of Georgia and the same port; that such advice boats be armed, and put under the direction of the Secret Committee, who are empowered to freight them with such merchandise or commodities, as, without retarding their passage, may, together with the usual postage on letters, and other papers transmitted by them, contribute to defray the expences of the said boats.

The convention of New York having represented that, for want of blacksmiths, they are greatly delayed in obstructing the passage of Hudson's river, in the Highlands, which is an object of great importance:

Resolved, That the convention of New York be empowered to employ, for the purpose aforesaid, the blacksmiths

[1] Printed in the *Pennsylvania Evening Post*, 14 September, 1776.

that are now engaged in building the continental frigates at Poughkeepsie.

The committee, to whom the petition of William Bell & Co. was referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That Governor Trumbull be requested to permit the sloop *Freemason*, Epaphros Mygat, master, with her cargo, belonging to the petitioners, to proceed on her voyage to the island of St. Eustatia, so soon as the said master shall judge she may sail without falling into the hands of the enemy on the coast.

The committee appointed to enquire into the claims of sundry Canadians, report, that there is due,

To Andrew Pepin, for two months' services as a captain, and 6 months' services as a lieutenant, together with rations during the time of his said services, the sum of 201 and 1/3d dollars:

To James Pelieur, for five months' services as a private, and three months' services as a lieutenant, together with one ration a day, during the said three months, the sum of 99 1/3d dollars.

Ordered, That the said accounts be paid.

The Committee on the Treasury reported, that there is due,

To Melchior Meng, for waggon and horse hire, carrying money to New York, escorted by Mr. Fullerton and others, the sum of 28 4/90ths dollars:

To John Bates, for 150 camp kettles, delivered to Clement Biddle, deputy quarter master general, 200 dollars:

To Jacob Hilzheimer, for expresses to Albany, New York, Boston, Burlington, &c. between the 11 May and 13 August, 1776, and for keeping a continental horse, the sum of 537 60/90ths dollars:

To Captain John Thacher, for the pay of his independent company, in the service of the United States, at New York, under General Lee, 405 9/90ths dollars:

To George Haas, for conveying money to Albany, 21 days, at 2 dollars, and expences of himself, horse hire and ferriages, 100 71/90ths dollars, and for carriage of Captain Gamble's baggage from Philadelphia to Reading, 16 dollars; the whole 116 71/90ths dollars:

To Robert Jewell, 333 62/90ths dollars, for his account for entertaining prisoners in gaol, from the 23 July to 20 August, inclusive, 234 60/90ths dollars; for his account for entertaining ten deserters, from the 23 July to the 20 August, 42 85/90ths dollars, and his account for making three pine tables, two pine desks, a book case, sign board, &c. for Treasury Office, 61 69/90ths dollars:

To William Clayton, for 303 meals of victuals supplied the militia on their march to New Jersey, 30 27/90ths dollars:

To Thomas Cheesman, for carriage of 32 cwt. 1. qr. 3 pound salt petre, from Egg harbor to Cooper's ferry, opposite to Philadelphia, 22 52/90ths dollars:

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 31, 1776

A letter, of the 25th, from Major General Schuyler at Albany, was laid before Congress, and read.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1]This letter is in the *Papers of the Continental Congress*, No. 153, II, folio 289.

MONDAY, SEPTEMBER 2, 1776

A letter from General Washington, of the 31 August, with the determination of a council of war, and the reasons for quitting Long Island, and a copy of a letter from Lord Sterling:

Also, a letter from Major General Gates, of the 23 August, with sundry papers enclosed;

A letter from sundry field officers in the army at Ticonderoga, dated 19th August, with the proceedings between a court martial and Brigadier General Arnold: also,

A letter from Captain John Nelson, of the 23 August, and a letter from Benjamin Harrison, Junr. deputy pay master general, with his weekly accounts, were laid before Congress, and read,

Resolved, That the said letters be referred to the Board of War.[1]

Congress being informed, that General Sullivan was ~~in town, with a design to communicate the substance of a conversation he had with Lord Howe~~ come to Philadelphia, with a message from Lord Howe,

Ordered, That he be admitted, and heard before Congress.

A petition from Michael Fitzgerald; also, a petition from John Weitzel, and one from James Paul Govert, were presented to Congress, and read,

Resolved, That they be referred to the Board of War.[2]

A petition from Peter Dicthery, was presented and read,

Resolved, That it be referred to the Medical Committee.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 507. It is printed in the *Writings of Washington* (Ford), IV, 373. That of Gates is in No. 154, I, folio 45. That of the Field Officers, on Arnold's appeal from a court martial, is in No. 78, XVII, folio 1. That of Nelson is in No. 78, XVII, folio 5, and that of Harrison, dated August 23, is in No. 78, XI, folio 83.

[2] The petition from Michael Fitzgerald, without date, is in the *Papers of the Continental Congress*, No. 42, III, folio 9.

A letter from William Bausman, of Lancaster, was laid before Congress, and read: Whereupon,

Resolved, That an order for £500=1,333 1/3 dollars be drawn on the treasurer, in favour of the committee of Lancaster, for the use of the barracks ||ordered to be built in that borough||; the said committee to be accountable.

Resolved, That an order for 4,577 63/90 dollars be drawn on the treasurer, in favour of Francis Lewis, Esqr being for so much paid by his order to Jonathan Trumbull, Esqr deputy pay master general, and that the same be charged to the account of the said Jonathan Trumbull.

A memorial from Francis Guillot was presented to Congress, and read.

Resolved, That it be referred to the Marine Committee.

The committee to whom was recommitted the report of the committee appointed to ascertain the value of the several species of gold and silver [coins] current in these states, and the proportion they and each of them bear and ought to bear to Spanish milled dollars, brought in their report, which was read:

The Committee, to whom was recommitted a report from a Committee appointed to ascertain the value of the several species of gold and silver current in these states, and the proportion they and each of them bear and ought to bear to Spanish milled dollars, have taken the same into consideration and thereupon come to the following resolutions:

Whereas, the holders of bills of credit emitted by authority of Congress will be entitled at certain periods, appointed for redemption thereof to receive out of the Treasury of the United States the amount of the said bills in Spanish milled dollars, or the value thereof in gold and silver; and the value of such dollars is different in proportion as they are more or less worn, and the value of other silver, and of gold coins, and also of bullion, when compared with such dollars, is estimated by different rules and proportions in these states, whereby injustice may happen to individuals, to particular states, or to the whole Union as well in paiments into, as out of the Treasury, which

ought to be prevented by declaring the precise weight and fineness of the s'd Spanish milled dollar ~~which is to be considered as the American~~ now becoming the Money-Unit or common measure of other coins in these states, and by explaining the principles and establishing the rules by which ~~other coins and bullion~~ the said common measure shall be applied to other coins and to bullion in order to estimate their comparative value ~~be thence known and estimated~~ at the s'd Treasury.

Resolved, that it is the opinion of this Committee that all paiments made into or out of the said Treasury ought in good faith to be ~~measured~~ estimated by the Spanish milled dollar, otherwise called the Pillar piece of eight, as it comes from the mint, new and unworn; ~~and that~~ in ~~such~~ which state it's ~~absolute~~ weight is 17 dwt. 9 grs. Troy weight, ~~which is made up of six~~ containing sixteen pennyweight, one grain, fourteen and an half mites of fine silver, and one pennyweight, seven grains, five and an half mites of fine copper alloy; ~~and that according to the usual course of merchandize neither the said alloy nor the charges of coinage are estimated in the value of coin or bullion and that the value of all coins and of bullion as estimated in commerce is in proportion to the quantity of fine metal they contain, without regard to workmanship, or the alloy mixed therewith.~~ but that according to the course of merchandize neither the said alloy nor the expences of coinage should be considered as any addition to the value of the said coin.

Resolved, that it is the opinion of this Committee that all ~~gold~~ silver coins or bullion paid into or out of the sd treasury ought to be estimated in such paiment according to the quantity of fine silver they contain.

Resolved, that it is the opinion of this Committee that all gold coins or bullion paid into or out of the said treasury ought to be estimated in such paiment according to the quantity of fine gold they contain and the proportion~~al value~~, which the value of fine gold bears to that of fine silver in those foreign markets at which these states will probably carry on commerce; but as the said proportion is different at ~~different~~ those markets, it is further the opinion of this committee that the several proportions at the said markets ~~before mentioned~~ should be averaged and such averaged proportion be observed at the said treasury.

Resolved, that it is the opinion of this Committee, after due enquiry made, that the several proportions between the value of equal weights of fine silver and ~~of an equal quantity weight~~ of fine gold, at the said

markets ~~before mentioned~~, is at present, when averaged nearly as one to fourteen and ~~three fourths~~ one half, and that this proportion should be observed at the sd treasury. but as in long tracts of time the proportional values of gold and silver at market are liable to vary, whenever such variation shall have become sensible, this house ought to make a corresponding charge in the rates at their treasury.

Resolved, that it is the opinion of this committee, after due enquiry made into the fineness of the coins ~~below~~ hereafter mentioned, that taking into consideration the quantity of fine ~~metal~~ gold or silver they contain, and the proportional value before mentioned between equal weights of ~~gold~~ fine gold and fine silver, their values expressed ~~in Dollars, or Units and Decimals~~, by decimal notation in Dollars and parts of a dollar are as follows:

	Proportion of fine metal.	Weight.	Fine metal.	Value in Dollars.	Weight equivalent to dollar.	Value of a dwt. in dollars.
SILVER COINS	*oz. dwt.*	*dwt. grs.*	*dwt. grs.*		*dwt. grs.*	
The Pillar piece of eight, or Spanish milled dollar	[a] 11 2	17 9	16 1.725	1	17 9	0.057553
The old Ecu of France, of 60 sols Tournois, or French crown	[a] 11 1	17 12	16 2.75	1.002657	17 18.886	.057294
The English Crown	[a] 11 2	19 8.5	17 21.675	1.113941	17 9	.057553
The English shilling	[a] 11 2	3 20.9	3 13.935	.222788	17 9	.057553
The English sixpence	[a] 11 2	1 22.45	1 18.967	.111394	17 9	.057553
GOLD COINS	*Carats. grs.*					
The old Spanish Double Doubloon	21 23½	17 8	15 20.972	14.321335	1 5.047	.826230
The old Spanish Pistole	21 23½	4 8	3 23.243	3.580333	1 5.047	.826230
[The Johannes of Portugal. The half Johannes.][b]						
The Double Moeda of Portugal	21 23½	6 22	6 7.95	5.712085	1 5.061	.825836
The Moeda of Portugal	21 23½	3 11	3 3.975	2.856017	1 5.061	.825836
The old Louis d'or of France	21 23½	4 8	3 23.243	3.580333	1 5.047	.826230
The new Louis d'or of France	21 22½	5 5.4	4 18.623	4.308871	1 5.102	.824664
The English Guinea of William III	22 0	5 9.438	4 22.651	4.460301	1 5.020	.827014
The English half Guinea of William III	22 0	2 16.719	2 11.325	2.230150	1 5.020	.827014
The Hungary Ducat	23 2	2 5.666	2 3.616	1.940355	1 3.658	.867736
The Ducat of Holland, coined ad legem imperii; of Campen in Holland; of the bishop of Bamberg; of Brandenburgh; of Sweden; of Denmark	23 2	2 5.5	2 3.456	1.934329	1 3.658	.867736
of Poland	23 2	2 5	2 2.975	1.916251	1 3.658	.867736
of Transylvania	23 1½	2 4.75	2 2.689	1.905493	1 3.683	.866954
of the Duke of Hanover	23 2	2 5.25	2 3.216	1.925288	1 3.658	.867736
The Double Ducat of the Duke of Hanover	23 2	4 10.5	4 6.432	3.850581	1 3.658	.867736
Chequins of Venice	23 3½	2 5.75	2 3.337	1.948631	1 3.583	.870086

[a] In the pound weight.

[b] These words are struck out.

and that the said coins when of the ~~absolute~~ weight there stated should be paid and received at the said treasury for so many Dollars and parts of a dollar as is there expressed, and when of a greater or lesser

weight should be paid and received for a proportionably greater or lesser number of dollars and parts of a dollar.

Resolved, that all ~~other~~ silver coins not specially named in the sd table, and all silver bullion, ~~should be paid and received at the sd Treasury~~ paid or received at the said treasury, be estimated ~~in receipt and paiment at the sd treasury~~ in dollars and parts of a dollar in proportion to the fine silver they respectively contain; and all gold coin ~~and bull.~~ not specially named, and gold bullion, be estimated in dollars and parts of a dollar in the compound ratios of the quantity of fine gold they contain, and of the afore mentioned proportion between the value of equal weights of fine gold and fine silver and that no ~~value be put~~ allowance be made in either case for the value of the alloy nor for the charges of coinage or workmanship.

Resolved, that assays should be made as soon as conveniently may be of the fineness of such other coins not stated in the ~~aforesaid~~ said table as are in circulation within these states, and that they should be inserted in the said table, together with their values in Dollars and parts of a dollar, in order to render the same more full and adequate to the purposes of public convenience.

And whereas, the credit of the said bills as current money ought to be supported at the full value therein expressed by the inhabitants of these states, for whose benefit they are issued, ~~at the full value therein expressed,~~ and who stand bound to redeem the same according to the like value, and the pernicious artifices of the enemies of American liberty to impair the credit of the said bills by raising the nominal value of gold and silver ought to be guarded against and prevented.

Resolved, that all bills of credit emitted by authority of Congress ought to pass current in all paiments, trade, and dealings in the states, and be deemed equal in value to gold and silver, according to the preceding rates and resolutions; and that whosoever shall offer, demand or receive more in the said bills for any gold or silver coins or bullion than is before rated, or more of the said bills for any lands, houses, goods, wares or merchandize than the nominal sum at which the same might be purchased of the same person with gold or silver, every such person ought to be deemed an enemy to the liberties of these ~~colonies~~ states, and treated accordingly, ~~being~~ on conviction before such ~~persons or~~ judicature as have been or shall be authorised ~~by the Assemblies~~ to hear and determine ~~the sd off~~ such offences by the Convention or assembly of the state wherein the offence shall be committed; but where no such judicature is as yet established, ~~such conviction the sd~~

Conviction may be had before the committee of inspection of the city, county, or district where the said offence shall be committed, with liberty of appeal to the Assembly or Convention of such state, until ~~by~~ the sd Assembly or Convention shall establish such judicature.

Ordered, To lie on the table.[1]

A petition from the officers of the 1st and 2d Virginia batallions, was presented to Congress, and read.

Resolved, That it be referred to the Board of War.[2]

Resolved, That an order for 30,000 dollars be drawn on the treasurer, in favour of James Mease, for the public service; he to be accountable.

General Sullivan being admitted, delivered the verbal message he had in charge from Lord Howe, which he was desired to reduce to writing, and withdrew.

~~Resolved, That Mr. [Thomas] Jefferson, Mr. R[ichard] H[enry] Lee, and Mr. [William] Hooper,[3] be a committee to draw up an account of the late action on Long Island, and lay the same before Congress, in order for publication.~~

Resolved, That an order for one hundred and twenty thousand dollars be drawn on the treasurer, in favour of the delegates of Rhode Island, for the use of that state, which is to be charged with the same.

Congress being informed that Donald M'Donald, who was sent to this city from North Carolina, is considered

[1] This report, in the writing of Thomas Jefferson, was recently found in the Jefferson Manuscripts, in the Library of Congress. With it are some memoranda and calculations, evidently used in preparing the report, but they are not printed in this place.

[2] A petition of the "Captains and Subalterns of the two old Virginia regiments" is in the *Papers of the Continental Congress*, No. 42, VI, folio 1. It was addressed to the Lieutenant Governor and Council of State of Virginia, and by the State was agreed to August 21, 1776, and sent to the Virginia delegates in Congress. That body referred it to the Board of War.

[3] The name of John Adams had been first written. Richard Henry Lee had been absent since the middle of June, returning to Philadelphia at the end of August.

by Lord Howe as a Brigadier General in the service of his Britannic majesty:

Resolved, That Brigadier General McDonald be admitted to his parole, and liberated upon his signing the form prescribed by Congress.[1]

A petition from Anthony Mosengeil, was presented to Congress, and read.

Resolved, That it be referred to the assembly of the state of New Jersey.

Resolved, That the Board of War be directed to prepare and bring in a plan of military operations for the next campaign.

Resolved, That the continental agents be empowered and required to inspect or appoint some suitable person or persons, to inspect all gun powder manufactured or purchased in, or imported into the respective states, wherein they reside, on account of the United States; except in those states where an inspector is appointed by Congress.

Ordered, That the above be published, with the resolutions respecting gun powder passed the 28 of August.

The Committee of Treasury reported, that there is due,

To Robert Erwin, waggon master, for the hire of waggons going to Egg harbor for powder, viz. Adam Weaver, Joseph Champeny, Michael Grossman, Israel Fry, Jacob Hindman and George Raser, one trip each; and David Boxe, William Parke and Alexander Miller, two trips each, is twelve trips, allowing five days to each, at 4 dollars per day, is two hundred and forty dollars:

To Captain James Sterling, 664 14/90 dollars, being for the balance of his account of the expence of a guard

[1] On the margin Thomson has written: "The execution of this resolution suspended by a vote of Congress in the afternoon."

appointed to convey a number of British prisoners from Burlington to Lancaster, and Frederick county in Maryland, with waggon and horse hire, amounting to £549 1 2 Pensylvania currency [=1,464 14/90 dollars,] of which sum he has received from the Pensylvania committee of safety and for which they are to be credited, the 16 July, 1776, £37 10 [=100 dollars]; the 17 July, 1776, £262 10 [=700 dollars], both sums making £300, equal to eight hundred dollars, ||and there remains 664 14/90 dollars||:

Ordered, That the accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 3, 1776

A memorial from Colonel Moses Hazen was presented to Congress, and read.

Resolved, That it be referred to the committee appointed to enquire into the causes of the miscarriages in Canada.

~~The Committee appointed to inquire into the particulars of the late action on Long Island reported, that they have made inquiry and from the best information they could get have prepared an account thereof.~~

~~Ordered, To lie on the table.~~

General Sullivan having reduced to writing the verbal message from Lord Howe, the same was laid before Congress, and read as follows:

The following is the purport of the message from Lord Howe to Congress, by General Sullivan:

That, though he could not at present Treat with Congress as such, yet he was very Desirous of having a Conference with some of The members, whom he would Consider for the present only as private Gentlemen, and meet them himself as such, at such place as they should appoint:

That he, in Conjunction with General Howe, had full powers to Compromise the Dispute between Great Britain and America, upon Terms advantageous to both; the obtaining of which Delayed him near Two months in England, and prevented his arrival at this place before the Declaration of Independency took place:

That he wished a Compact might be Settled at this time, when no Decisive Blow was struck, and neither party could say, that they were Compelled to enter into such agreement:

That, in Case Congress were Disposed to Treat, many things, which they had not as yet asked, might and ought to be granted Them; and That if, upon the Conference, They found any probable Ground of an Accommodation, The authority of Congress must be afterwards Acknowledged, otherwise The Compact would not be Compleat.

Copy of General Sullivan's Letter to Lord Howe

NEW YORK, *30th of August, 1776*

MY LORD.—agreeable to your Lordships Request I have Conversed with General Washington, who says that he has no power to Treat upon the Subject your Lordship mentioned, but has not the least objection to my going to Philadelphia to Inform Congress of what your Lordship has been pleased to Communicate to me upon the Subject. I shall wait your Lordships further Direction, and am with much esteem, your Lordships most obedient Servant,

JN° SULLIVAN

The Right Honble Lord Viscount HOWE

His Lordship's Answer:

EAGLE, *30 August, 1776*

SIR,

Understanding by your Letter That the only Doubt of the propriety of your going to Philadelphia is, by your Conversation with General Washington, Removed, I do not see occasion to give you further Trouble but to Recommend the prosecuting of your Journey, as you were pleased on that Condition to propose. I am Sir, your most obed^t Humble Servt,

HOWE

General SULLIVAN.[1]

[1] The original copy of these papers, in the manuscript of General Sullivan, was laid into the Manuscript Journal, No. 1, Vol. IV, folio 135.

The Board of War brought in a report, which was read: Whereupon

~~Ordered, That the first part of the report lie on the table, to be taken up this day.~~

Resolved, That the part of the said report, which relates to the establishing a post between Philadelphia and Ticonderoga, be referred to the committee for regulating the post office. That the remainder of the report lie on the table:

Resolved, That two members be added to the said committee:

The members chosen, Mr. [William] Hooper and Mr. [Samuel] Huntington.

Resolved, That a regimental pay master be appointed to Colonel Magaw's batallion.

The ballots being taken,

John Mifflin, brother to Brigadier General Mifflin, was elected.

Resolved, That Jeduthun Baldwin, Esqr be appointed an engineer in the continental army, with the rank of colonel, and pay of 60 dollars a month.

A letter from a number of officers who are prisoners at Carlisle, [was read,] complaining of some ill treatment they have received, and of their baggage being plundered, contrary to the capitulation, upon which they surrendered, and General Wooster, who was attending in the outer room, being examined touching the facts therein stated;

Resolved, That a letter be written to General Schuyler, directing him to make particular enquiry whether the baggage of the officers taken at St. John's and Chambly was plundered, and by whom, and report to Congress:

That the secretary of the Board of War be directed to inform the officers, that enquiry has been made of General

Wooster, to whom they refer, respecting the plunder of their baggage, and that he says he knows nothing of the matter, and that no information or complaint was ever made to him respecting that matter: And farther, inform them, that Congress have given orders to General Schuyler to make strict enquiry into this affair, and report thereon.

A letter, of the 2d, from General Washington, and a letter from William Palfrey, pay master general, were laid before Congress, and read.[1]

Resolved, That the letter from General Washington be referred to a committee of the whole Congress:

Congress then resolved itself into a committee of the whole to take into consideration the letter from General Washington; and, after some time, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the letter to them referred, and have come to sundry resolutions, which he was ordered to report.

The resolutions reported from the committee of the whole Congress, being [severally] read, were agreed to as follows:

Resolved, That General Washington be acquainted, that the Congress would have especial care taken, in case he should find it necessary to quit New York, that no damage be done to the said city by his troops, on their leaving it: The Congress having no doubt of being able to recover the same, though the enemy should, for a time, obtain possession of it.

Resolved, That three more batallions be ordered from Virginia, to reinforce the army at New York, of which that commanded by Colonel Stephen to be one:

That for the same purpose, two of the North Carolina

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 519. It is printed in *Writings of Washington* (Ford), IV, 378.

batallions be ordered to march, with all possible expedition, to New York, under the command of Brigadier General Moore:

That it be recommended to the assemblies and conventions of the several states to the northward of Virginia, immediately to send all the aid in their power to the army at New York:

That one of the continental batallions in Rhode Island be ordered immediately to march, to reinforce the army at New York:

That it be recommended to the assembly of Massachusetts bay, to send to Rhode Island a batallion of their militia, to supply the place of the continental batallion ordered from thence.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[1]

WEDNESDAY, SEPTEMBER 4, 1776

Resolved, That Mr. J. Mease be directed to pay the Virginia batallion, now on their march to New York, one month's pay, and to supply them with such necessary cloathing as they may stand in need of.

Resolved, That another brigadier general be appointed in the continental army:

The ballots being taken, Adam Stephen was unanimously elected.

Resolved, That the Board of War be directed to call in the several recruiting parties of the German batallion, and they have them formed and armed, with all possible

[1] "The Congress is, at this time, very thin. Colonel Lee is arrived here, but several others have taken leave of absence, among them Mr. Jefferson and Mr. Heyward." *Josiah Bartlett to William Whipple*, 3 September, 1776.

expedition, and forwarded to New York, taking measures, and giving proper directions to have the batallion recruited to the full complement, as soon as the same can conveniently be done.

Resolved, That the proposal made by General Howe, as delivered by General Sullivan, of exchanging General Sullivan and Lord Sterling for General Prescot and General M'Donald, be complied with.

Mr. J. Mease having, in consequence of the resolution of the 30th August, made a report, that he cannot find there is any cloth in this city, fit for making tents, except a parcel of light sail cloth, which is in the hands of the Marine Committee: Whereupon,

Resolved, That the Marine Committee be directed to deliver to Mr. J. Mease all the light sail cloth in their hands: And that Mr. Mease be directed to have the same made into tents, as soon as possible, and forwarded to General Washington:

That the Secret Committee be directed to write to the continental agents in the eastern states, desiring them to purchase all the duck and other cloth fit for tents, which they can procure in their respective states, for the use of the continent.

Congress took into consideration the report of the Board of War; and, after some time spent thereon,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 5, 1776

A petition from John Schott was presented to Congress, and read.

Resolved, That it be referred to the Board of War.[1]

Two petitions from the owners of the privateers *Lee* and *Putnam* were presented to Congress, and read.

Resolved, That they be referred to the Marine Committee.

A memorial from Jeremiah Halsey was presented to Congress, and read.

Resolved, That it be referred to the Board of War.[2]

Resolved, That General Prescot and General M'Donald, be sent by the Board of War, under an escort, to General Washington, to be exchanged for General Sullivan and Lord Sterling.

Resolved, That the Marine Committee be directed to supply Mr. [Joseph] Hewes with 400 three pound cannon shot, for the use of the continental army in North Carolina.

Two soldiers having escaped from Quebec, and applied to Congress for their pay,

Resolved, That this matter be referred to the Committee on the Treasury.

A memorial from Captain John Doyle was presented to Congress, and read, setting forth, that in consequence of the resolution passed the 16 July, he has inlisted 80 men, whereof about 60 have passed muster, as appears by the roll produced, and that the other 20 are at Lancaster, and, therefore, praying that a commission be granted to him, pursuant to the said resolution:

Resolved, That the prayer of the petition be granted; and that commissions be granted to Samuel Brady to be

[1] This petition from John Paul Schott, is in the *Papers of the Continental Congress*, No. 42, VII, folio 15.

[2] This petition, without date, is in the *Papers of the Continental Congress*, No. 42, III, folio 333.

first lieutenant, ~~David Brown second lieutenant~~ and to William M'Murray, second lieutenant of the company commanded by Captain Doyle.

The Congress then resumed the consideration of the report of the Board of War; and thereupon,

Resolved, That General Sullivan be requested to inform Lord Howe, that this Congress, being the representatives of the free and independent states of America, cannot, with propriety, send any of its members to confer with his lordship in their private characters; but that, ever desirous of establishing peace on reasonable terms, they will send a committee of their body to know whether he has any authority to treat with persons authorized by Congress for that purpose, in behalf of America, and what that authority is, and to hear such propositions as he shall think fit to make respecting the same:[1]

That the president be desired to write to General Washington, and acquaint him that it is the opinion of Congress, that no proposals for making peace between Great Britain and the United States of America ought to be received or attended to, unless the same be made in writing, and addressed to the representatives of the said states in Congress, or persons authorized by them: And, if application be made to him by any of the commanders of the British forces on that subject, that he inform them that these United States, who entered into the war only for the defence of their lives and liberties, will cheerfully agree to peace on reasonable terms, whenever such shall be proposed to them in manner aforesaid.

Ordered, That a copy of the first of the two foregoing resolutions be delivered to General Sullivan, and that he be directed immediately to repair to Lord Howe.[2]

[1] Printed in the *Pennsylvania Gazette*, 18 September, 1776.

[2] For a speech by John Witherspoon, on this matter, see Appendix.

Resolved, That to Morrow be assigned for electing the committee:

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 6, 1776

Resolved, That General Sullivan be requested to deliver to Lord Howe the copy of the resolution delivered to him.

Resolved, That the committee, "to be sent to know whether Lord Howe has any authority to treat with persons authorized by Congress for that purpose, in behalf of America, and what that authority is, and to hear such propositions as he shall think fit to make respecting the same," consist of three:

Congress then proceeded to the election, when the following gentlemen were elected: Mr. [Benjamin] Franklin, Mr. J[ohn] Adams, and Mr. [Edward] Rutledge.[1]

~~Mr. J. Adams requesting to be excused, the question whether he shall be excused from this service was postponed till to morrow.~~[2]

Sundry letters were laid before Congress, and read:

One of the 4th, from General Washington, with sundry letters and papers enclosed;

One of the 29 August, from General Schuyler, enclosing

Four letters of the 18, 20, 26, and 27th, of the same

[1] Printed in the *Pennsylvania Gazette*, 18 September, 1776. The committee set out September 9. See John Adams, Autobiography, *Works*, III, 75; and Franklin's Writings (Bigelow), VI, 17, 27–33.

[2] "When Sullivan carried to Congress the proposals of Lord Howe and that body came to appoint a committee of three to repair to Staten Island and confer with the British commissioner, Franklin and John Adams were unanimously chosen; and Lee and Rutledge had an equal vote. Lee stated that he was opposed to the embassy, declined to be voted for and said he could not accept a place on the committee. Stockton was then placed in nomination, but Rutledge was chosen." *Josiah Bartlett to William Whipple*, 10 September, 1776.

month, from General Gates, with a return of the army at Ticonderoga, and other papers;

A letter of the 4th, from Brigadier General Mercer;

A letter of the 28th August, from William Maxwell, with a memorial enclosed ||from Jacobus Wyncoop, were read.||[1]

Resolved, That the several letters, with the papers enclosed, except the memorial from Jacobus Wyncoop, be referred to the Board of War; and that the memorial from Jacobus Wyncoop be referred to the Marine Committee.

Resolved, That an order for 2,794 15/90 dollars be drawn on the treasurer, in favour of George Morgan, Esqr agent for Indian affairs, in the middle department; he to be accountable:

That Mr. Morgan be supplied with a copy of the resolutions of Congress, relating to Indian affairs, in the middle department, and a copy of the treaty held with the Indians at the German Flats:

Resolved, That the Secret Committee be directed to deliver to Captain Sherer 6 lb. of powder, and 24 lb. of lead, for the use of two companies of rifflemen, to try their riffles.

A memorial from G[eorge] Nicholson, with an account, was presented to Congress, and read.

Resolved, That it be referred to the Committee of Treasury.

A letter from Captain William Jenkins was laid before Congress, and read, praying for leave, on account of his family affairs, to resign his commissions:

Resolved, That leave be granted him to resign.

[1] A copy of Washington's letter is in the *Washington Papers*, Series A (Transcripts), I, folio 398. The letter of Schuyler is in the *Papers of the Continental Congress*, No. 153, II, folio 305. That of Mercer is in No. 159, folio 182. The letter of Maxwell is in No. 78, XV, folio 79, but the memorial appears to be one from Maxwell himself.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That John Paul Shott, who is well recommended as an experienced officer, be appointed a captain in the continental army, with directions to raise a company as soon as possible; but, that as he may be usefully employed immediately, that he be forthwith sent to General Washington at New York, and that one month's pay be advanced to him.

Resolved, That the farther consideration of the report be deferred till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 7, 1776

Sundry letters and petitions were laid before Congress, and read.

A letter from the Indian commissioners at Pittsburg, August 16, enclosing a memorial from Alexander Ross.

Resolved, That the said memorial be referred to the standing committee for Indian affairs.

A letter, from R. Dallam, deputy pay master general, of the 6th:[1] Whereupon,

Resolved, That an order for £440 Pensylvania currency, equal to 1,173 30/90 dollars, be drawn on the treasurers, in favour of Colonel Charles Read, being in full of a draught in his favour of the 6th instant, by Richard Dallam, deputy pay master general, and that the same be charged to the account of the said R. Dallam.

That 200,000 dollars be sent to Richard Dallam, deputy pay master general, for the use of the flying camp and militia; he to be accountable.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 57.

A letter of the 5th, from Charles Preston, major of the 26th regiment, ||a prisoner, was read.||

Resolved, That it be referred to the Board of War.

A letter and memorial, from William Wild, of the 29 of August,

Resolved, That the same be referred to the convention of Pensylvania.

The state of Virginia having appointed, on the 23 of July last, William Brady, captain of a riffle company in the batallion to be commanded by Colonel Hugh Stevenson; William Pyle, to be a first lieutenant of a company in the said batallion; Christopher Brady, to be a second lieutenant of a company in the said batallion;

And Amos Thompson to be chaplain to the said batallion:

Resolved, That commissions be granted to them accordingly.

The Congress proceeded to the election of an adjutant for the batallion ordered to be raised in Westmoreland [county]; and, the ballots being taken,

Michael Hoofnagel was elected.

A petition from Charles Roberts, late commander of the schooner *Thistle*, was presented, and read.

Resolved, That Mr. [Josiah] Bartlett, Mr. [Richard] Stockton, Mr. [Thomas] Stone, Mr. F[rancis] L[ightfoot] Lee, Mr. [John] Penn, and Mr. [George] Walton, be appointed members of the committee to enquire into the causes of the miscarriages in Canada, in the room of those who are absent.

Resolved, That two members be chosen for the committee appointed on the 24 of July last, to take into consideration and report their opinion on the proposal made by the president of South Carolina, respecting General Lee, in the room of those who are absent:

The members chosen, Mr. R[ichard] H[enry] Lee, and Mr. [George] Walton.

Resolved, That an order for 1,600 dollars be drawn on the treasurer in favour of David S. Franks; for which he is to account on the settlement of his accounts.

The state of Rhode Island having recommended sundry gentlemen for field officers of the two batallions raised in that state, the Congress proceeded to the election: when the following gentlemen were elected:

William Richmond Colonel
Caleb Gardner Lieutenant Colonel
Benjamin Tallman Major
Christopher Lippit Colonel
Adam Comstock Lieutenant Colonel
James Tew Major

Resolved, That the batallion commanded by Colonel Lippit be ordered to New York, unless that commanded by Colonel Richmond is already marched.

Resolved, That the commissary, Mr. Mease be directed to deliver to the delegates of Maryland, three pieces of coarse cloth, for the use of the Maryland troops; the said delegates to be accountable.

Resolved, That Mr. [Gustavus] Risberg, the assistant to Colonel Biddle, be directed to take proper measures for providing the sick soldiers in Philadelphia, with proper lodgings and attendance.

A letter from General M'Donald to the Board of War, was read; Whereupon,[1]

Resolved, That General McDonald be allowed 4 days to prepare for his journey:

That that part of his letter, respecting his treatment in North Carolina, be sent to the convention of that state.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 59.

Resolved, That a copy of the resolutions passed by Congress on the Message brought by General Sullivan, and the names of the committee appointed, be sent to General Washington.

The Committee of Treasury reported, that there is due,

To Richard Welsh, for his services as clerk, for delivering stores and provisions in Canada, certified by Henry Menson, in which service he entered the 24 April, and discharged the 7 June, 1776, at 3/4 lawful at 6/ per dollar, the sum of 25 dollars:

To Casper Carver, for the hire of a team from York, in Pensylvania, to Williamsburg, in Virginia, sixteen days, at four dollars a day, is 64 dollars; and for ferriages, 6 6/90 dollars, and for the hire of another team from York town to New York, with Captain Grier's company, 14 days, at 4 dollars a day, and for ferriage, 3 54/90 dollars; the whole being 129 60/90 dollars:

To John Sparhawk, for two maps, a court Calendar, &c. delivered to the War Office, as per Richard Peters's certificate, 10 60/90 dollars:

To John Bates, for 200 camp kettles, delivered to C. Biddle, deputy quarter master general, the 2d instant, 266 60/90 dollars:

To the following persons, for which a warrant is to be drawn in favour of Mons. Rouville, for the sum of 788 10/90 dollars, the amount of his six accounts, viz.

1. To hostages sent by General Schuyler to Reading, in Pensylvania, namely; Allan M'Donald, Sen. Allan M'Donald, Jun. Alexander M'Donald, Rennel M'Donald, and Archibald M'Donald, their allowance from the 4th of June to the 3d of September, both days inclusive, is 13 weeks, at 2 dollars each, is, for the five, 130 dollars; for Angus M'Donald and George M'Donald, two servants,

13 weeks each, at one dollar a week, is 26 dollars; of which they have received from the committee of Reading, 27 3/90 dollars; the ballance is 128 87/90 dollars:

2. To Lieutenant Simon Evans, a prisoner sent from Canada to Reading, for expences from Montreal to Albany, 12 dollars; and allowance from the 10th February, to the 23 August, inclusive, is 28 weeks, at 2 dollars per week, is 56 dollars; the whole 68 dollars; of which sum he has received from the committee of Esopus, for 13 weeks' allowance, 26 dollars; the ballance due to Lieutenant Evans, is 42 dollars:

3. To Captain Anstruther, of the 26th regiment, for his allowance from 18 November, to 23 August, both days inclusive, is 40 weeks, at 2 dollars per week, is 80 dollars:

4. To Marcus Lucullus Royall, master of the *Gaspee*, taken the 19th November, in the river St. Lawrence, for his allowance to the 22d August, is 39 4/7ths weeks, at 2 dollars, is 79 13/90ths dollars; of which he has received from the committee of Esopus, 44 dollars; the ballance due to Mr. L. Royall is 35 13/90ths dollars.

5. To the Canadian prisoners at Bristol, viz. Mons. St. Ours, Hervieux, Heurimont, de Chambault and la Marque, from the 3d of November, the time they were taken, to the 30 August, inclusive, is 43 weeks each, at 2 dollars per week, is 430 dollars:

6. To George M'Kenzie, mate of the sloop *Hunter*, taken the 4th November, to 25 August, inclusive, is 42 weeks, at 2 dollars, 84 dollars; of which he has received at Albany, 12 dollars; ballance due to George M'Kenzie 72 dollars:

To the following persons, 564 85/90ths dollars, namely, to Adam Drinkhouse, for his team from Philadelphia to Fredericksburg, in Virginia, 29 days, at 4 dollars, and ferriage 7 dollars, is 123 dollars; to Martin Hausman,

Bernard Keppelar and Nathaniel Hoop, who went on the same journey with their teams, each 123 dollars, is 369 dollars; to Matthias Koop, for the hire of his waggon from Philadelphia to Bergen Point, with powder, 9 days, at 4 dollars, and ferriage, 17/11 ||2 dollars and 35/90ths,|| is 38 35/90 dollars; to Andrew Read, for the hire of his waggon from Philadelphia to New York, with medicines, 8 days, at 4 dollars per day, and ferriage, 19/2 ||2 dollars and 50/90ths,|| is 34 50/90 dollars, and that the same ought to be paid to Robert Erwin, waggon master general:

To Joseph Hewes, Esqr for cash advanced to the guard going with five waggons to North Carolina, with waggon hire, and casks for powder, 140 25/90 dollars.

To John Dennis, for escorting powder from Egg harbor to Philadelphia, by order of the Secret Committee, 35 23/90 dollars.

To Colonel Jonas Clapham, for 53 riffle guns bought of him for the use of Colonel Hugh Stevenson's riffle batallion, in Virginia, 896 52/90 dollars; which is to be charged to the said batallion:

Ordered, That the above accounts be paid.

Congress resumed the consideration of the report of the Board of War; Whereupon,

Resolved, That all letters to and from the Board of War and Ordnance, or the secretary of the same, be free of all expence in the post office of these United States.

The Board having reported, that they have considered the petition of Jeremiah Halsey, and perused his written evidence, are of opinion, that the said Halsey ought to receive the arrears of his pay, and that the resolution of Congress, of the ninth of January last, be repealed: as it appears, that the said Halsey was discharged from the

service, upon a regular certificate from the surgeon, by the commanding officer at St. John's, on account of sickness, on the 13th day of November last, in pursuance of the orders of General Montgomery;

To which report Congress agreed.

Congress proceeded to the election of field officers for the second Pensylvania batallion; and, the ballots being taken, Joseph Wood, Esqr was elected colonel; Thomas Craig, Esqr lieutenant colonel, and William Butler, Esqr major.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.[1]

[1] "Mr. Hopkins tells me, that he doth not propose to return to Congress until spring, if ever. It is therefore necessary that an additional delegate should be immediately appointed; for otherwise, the State of Rhode Island, &c., may be unrepresented, which might be attended with pernicious consequences to us. I may fall sick, and may not be able to attend Congress when some matter may be brought upon the carpet which will immediately relate to our State, not to mention that if the delegates were here, they might have an opportunity to relax now and then from that constant attention which, if one delegate only should be continued here, he would be obliged to give, unless he should leave the State unrepresented in Congress, which I am determined not to do let what will be the consequence; and a constant attendance on Congress for nine months without any relaxation is too much even for a robust constitution. Besides it is necessary that motions should be made and supported, in which case the advantage of having two on the same side is manifest. In causes of no great importance it is common to engage two lawyers, and the vulgar observation that two heads are better than one, is just. Can, then, the State of Rhode Island hesitate about immediately appointing an additional delegate. I am sure it cannot. . . .

"There is nothing against our State's appointing three delegates but the expenses, and if the amount of the allowance to the two delegates and their expenses for one year be summed up, and compared with what would be the amount of the expense to the State of three delegates, at five dollars per day, I believe the difference will be found to be but trifling, but if it should be something considerable I am sure the benefits resulting to the State therefrom would compensate for any such additional expense. If a confederacy should hereafter take place, 'a Council of State' would doubtless be appointed, in which case our State would have only one delegate to support constantly; the other two, if three should be appointed, would be present only a small part of the year, when the Congress should sit." *William Ellery to Governor Cooke*, 7 September, 1776. *Rhode Island in the Continental Congress*, 83.

MONDAY, SEPTEMBER 9, 1776

Resolved, That an advance of four months' pay, being 106 2/3ds dollars, be made to Mons. la Marquisie, captain and engineer in the northern army; he to be accountable.

A letter, of the 6th, from General Washington, was laid before Congress, and read.

Resolved, That it be referred to the Board of War.[1]

Resolved, That 500,000 dollars be sent to the pay master general, for the use of the army at New York.

Resolved, That a committee of five be appointed to hear the parties on the appeal against the verdict and sentence of condemnation passed against the schooner *Thistle* and her cargo.

The members chosen, Mr. [Richard] Stockton, Mr. [Samuel] Huntington, Mr. [Robert Treat] Paine, Mr. [James] Wilson, and Mr. [Thomas] Stone.

Resolved, That in all continental commissions, and other instruments, where, heretofore, the words "United Colonies" have been used, the stile be altered, for the future, to the "United States."

The Board of War brought in a report, which was read:

Ordered, To lie on the table, to be taken into consideration to morrow morning.

A memorial from Mons. Pannetier de la Falconnière, was presented and read.

Resolved, That it be referred to the Marine Committee.

Congress proceeded to the election of a quarter master for the German batallion; and, the ballots being taken, Frederick Seeger was elected.

Resolved, That an order for 136 dollars be drawn on the treasury, in favour of George Meade & Co. the same being

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 527. It is printed in *Writings of Washington* (Ford), IV, 385.

in full of a draught of Samuel Chase and Charles Carroll, of Carrollton, in favour of John Vienne, or order, drawn at Montreal, 28 May, 1776, and that the same be charged to the account of the said Messrs. Chase and Carroll.

Resolved, That Mr. J. Mease be empowered to pay the draughts of Captain John Douglass, for such parts of the monthly pay of the privates in his company, as he shall specify, the same, as paid, to be charged to the account of the said captain.

The Committee of Treasury reported, that there is due to William Smith, continental druggist, the sum of 2,490 13/90 dollars:

Ordered, That the same be paid.

Three petitions, one from Pierre du Calvet, another from Jaques Pileur, and the third from André Pepin, were presented to Congress, and read.

Resolved, That they be referred to the Board of War.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[1]

TUESDAY, SEPTEMBER 10, 1776

A letter, of the 8th, from General Washington, with sundry papers enclosed, was laid before Congress, and read;[2] also,

[1] September 9 Mrs. Connolly wrote from prison asking for relief. Her letter is in the *Papers of the Continental Congress*, No. 78, V, folio 67. The following report was made upon her application:

"The committee to whom Mrs. Conolly's petition was referred beg leave to report that they have enquired into her conduct since her confinement, and are of opinion that she may be enlarged with Safety to these States, and suffered to go to her family in Cumberland County, in the State of Pensylvania."

This report is in No. 19, I, folio 583.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 531. It is printed in *Writings of Washington* (Ford), IV, 390.

A letter from the Commissioners of Indian Affairs, dated Pittsburg, 31 August, 1776.

Resolved, That the letter from the Commissioners, with the papers enclosed, be referred to the Standing Committee for Indian Affairs.

Resolved, That Mr. J. Mease be directed to supply Captain West, of the Virginia riffle men, with 40 blankets.

Resolved, That Mr. President inform General Washington, it was by no means the sense of Congress, in their resolve of the third inst. respecting New York, that the army, or any part of it, should remain in that city a moment longer than he shall think it proper for the public service that troops be continued there:

That the letter from the General be referred to the Board of War.

Sundry Petitions were laid before Congress, and read; viz.

One from Jean Longeay, and two from Colonel Seth Warner, with sundry papers enclosed.[1]

Resolved, That the petitions from Colonel Warner, with the papers enclosed, be referred to the commissioners appointed to audit and settle the accounts of the army in the northern department.

A letter of the 8th, from M. Tilghman, was laid before Congress, and read.[2]

The Congress took into consideration the report of the Board of War, and after some time spent thereon,

Resolved, That this Congress will, to Morrow, resolve itself into a committee of the whole, to take into consideration the said report.

Resolved, That Mr. J. Mease be directed to supply the

[1] A petition from Seth Warner, dated September 10, is in the *Papers of the Continental Congress*, No. 58, folio 221.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 55.

delegates of Maryland, with 40 blankets for the use of the troops of that state.

Resolved, That four thousand dollars be sent to Zebulon Butler, Esqr for the use of the two companies ordered to be raised in the town of Westmoreland; he to be accountable for the same. That the said money be delivered to and forwarded by the Connecticut delegates:

That Major William Judd be authorized to muster the said companies.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 11, 1776

Resolved, That an order for 60,000 dollars be drawn on the treasurer, in favour of Mr. J. Mease, commissary, for the public service; he to be accountable.

A letter, from Joseph Trumbull, Esq. commissary general, of the 7th, with sundry papers enclosed, was laid before Congress, and read:[1]

Resolved, That it be referred to a committee of three.

The members chosen, Mr. [Richard Henry] Lee, Mr. [William] Hooper and Mr. [Roger] Sherman.

Resolved, That the said committee be directed and empowered to enquire into the conduct of Mr. Livingston, deputy commissary general in the northern department.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 115.

[2] In Force, *American Archives*, Fifth Series, III, 1337, are printed two paragraphs which appear to be the report of this committee:

"The Committee appointed to inquire into the conduct of Mr. Livingston, late Deputy Commissary General in the Northern Department, report, as their opinion, that the inquiry ought to be made in the department where the business was transacted and the witnesses reside: Therefore,

"*Resolved*, That it is the opinion of this Committee that the Commissioners appointed to settle Accounts in the Northern Department be empowered and directed to inquire into the conduct of Walter Livingston, Esq., late Deputy Commissary General in said Department, as to his management of the business of said office, and that this Committee transmit to said Commissioners what information they have received on the subject, and suggest such matters as in their opinion may require the attention of said Commissioners in the course of the inquiry."

Resolved, That Mr. J. Mease, commissary, be directed to provide cloathing and other necessaries, for the first Virginia batallion, on their march to New York.

A memorial from Stephen Pater de la Cossade, and a memorial from Colonel Seth Warner, and Captains Waite Hopkins and Gideon Brownson, of Colonel Warner's batallion, were presented to Congress, and read.[1]

Resolved, That the memorial from Stephen Pater de la Cossade be referred to the Marine Committee; and that the memorials from Colonel Warner and the Captains be referred to the Board of War.

Resolved, That a member be added to the Board of War, in the room of Mr. [Benjamin] Harrison:

The member chosen, Mr. F[rancis] L[ightfoot] Lee.

Congress resolved itself into a committee of the whole, to take into consideration, the report of the Board of War; and, after some time, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have taken into consideration the matter to them referred, and have made some amendments therein, but not having had time to go through, desired leave to sit again.

Resolved, That this Congress will, to Morrow, resolve itself into a committee of the whole, to take into consideration the report of the Board of War.

The matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 12, 1776

A letter from Josh: Wentworth of the 31 August, directed to the secretary of Congress, with an appeal from the verdict and sentence passed on the trial of a brigantine named the *Elizabeth*, was laid before Congress, and read.

[1] The petition of Wait Hopkins and Gideon Brownson is in the *Papers of the Continental Congress*, No. 42, VIII, folio 153.

The Committee for Indian affairs, to whom the letter, of the 31st August, from the commissioners for Indian affairs in the middle department, was referred, brought in their report, which was taken into consideration; Whereupon,

Resolved, That two tons of powder and four tons of lead be immediately despatched to Pittsburg; to be disposed of as the commissioners shall direct:

That the resolution of Congress, respecting the destination of the batallion commanded by Colonel M'Coy, be suspended, and that the commissioners for Indian affairs in the middle department be empowered, during their stay at Pittsburg, to direct the operations of that batallion:

That the measures adopted by the commissioners, in the present critical situation of Indian affairs, is approved of by Congress, who have the greatest confidence in the prudence and vigilance of their future conduct.

Resolved, That an order for 7,000 dollars be drawn on the treasurer, in favour of Colonel M'Coy, for the use of his batallion; he to be accountable.

Resolved, That application be made to the committee of safety of Pensylvania, for 10,000 flints to be delivered to George Morgan, Esq[r].

The committee, to whom the letter from J[oseph] Trumbull, Esq. with the papers enclosed, was referred, reported,

That having considered the same, and recurring to the journal of Congress, on Mr. Trumbull's appointment to the commissariat, find the following resolve on the 8th of July, 1776: "That the commissary general have full power to supply both armies, that upon the lakes as well as that at New York, and also to appoint and employ such persons under him, and to remove any deputy commissary, as he shall judge proper and expedient; it being abso-

lutely necessary, that the supply of both armies should be under one direction;" Whereupon,

Resolved, That the above resolution is so clear and explicit, and so well contrived to procure the due and proper discharge of the commissary's business, that the same ought to be adhered to, and immediately transmitted to the commanding officer in the northern department, and to the commissary general, as the full sense of Congress on the commissary general's right to direct the operations of his department, both as contractor and issuer of provisions; and that Mr. Trumbull be informed, Congress expect this will remove his difficulties, and induce his continuance in the office of commissary for both armies, at New York, and on the lakes.

Congress then proceeded to the election of sundry officers; when the ballots being taken,

David M'Clure was elected chaplain, and Ephraim Douglass was elected quarter master of the batallion commanded by Colonel M'Coy.

John Trumbull, Esqr was elected deputy adjutant general of the army in the northern department, and Morgan Lewis, Esqr was elected deputy quarter master general of the said army.

Resolved, That the Board of War be directed to order the French officers, who have received commissions from Congress, to repair immediately to the places of their destination.

Resolved, That Mr. J. Mease be directed to pay the first batallion of Virginia troops, on their march to New York, the arrears due to them.

The Committee of Treasury, to whom was referred the petition of George Nicholson, returned the same, with a report, that it ought to be referred to the Board of War: Whereupon,

Resolved, That the said petition be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, As it appears from Colonel Warner's representation of the state of his regiment, that Major Painter's appointment much obstructs the raising the said regiment, that, therefore, Major Painter be directed to repair to the city of Philadelphia, that the matter may be enquired into, and that it be recommended to Colonel Warner and the other officers, that they proceed forthwith to raise their men and complete the regiment, relying on the justice of Congress for the settlement of the uneasiness among them:

That the militia at New York, be paid by the pay master general there, before discharged.

Resolved, That the remainder of the report be re-committed.

The Congress resolved itself into a committee of the whole, to take into their farther consideration the report of the Board of War; and after some time spent, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matter to them referred, but not having come to a conclusion, desire leave to sit again.

Resolved, That this Congress will, to Morrow, resolve itself into a committee of the whole, to take into their farther consideration the report of the Board of War.

Resolved, That Mr. J. Mease be directed to deliver such number of blankets, as he has, belonging to the continent, to Captain Watkins, for the use of his company, which is inlisted to serve during the war, not exceeding one to each man.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 13, 1776

Two letters, of the 7th and 11th, from General Washington; and

One from General Greene of the 8th, and a resolution of the committee of safety of Pensylvania, of the 13, were laid before Congress and read.[1]

Resolved, That they be referred to the Board of War.

The committee appointed to confer with Lord Howe, having returned, made a verbal report.

Resolved, That they be directed to make a report in writing, as soon as conveniently they can.

The Committee of the Treasury reported, that there is due,

To Peter Baker for 1,149 rations, supplied Colonel Peter Grubb's batallion of militia, and 204 meals to different companies of militia, on their march to New Jersey, 123 19/90 dollars:

To John Bates for 266 camp kettles, delivered to Gustavus Risburg, assistant to the deputy quarter master general ||for the flying camp|| 354 60/90 dollars:

To Richard Cheney for 291 meals supplied the militia on their march to New Jersey, 29 9/90 dollars:

To Charles Ford for ten weeks' board, lodging, and washing, for William Whiting, a wounded serjeant, from the 8th June to 17th August, ten weeks, at 10/ ||=1 1/3 dollars|| per week, 13 30/90 dollars:

To Major Regonville, Captain Duchené, Lieutenant Smith, and Lieutenant Demuraux, Canadian prisoners, for their allowance from 3d November, 1775, to 6th September, ||1776,|| inclusive, is 44 weeks, at 2 dollars a week, is 352 dollars, and that the same be paid to Mons. Regonville:

[1] The two letters of Washington are in the *Papers of the Continental Congress*, No. 152, II, folios 523 and 543. That of Greene is in No. 155, I, folio 1.

To Robert Towers, for artillery stores for two 3-pound travelling cannon, ordered by Joseph Hewes, Esqr for the state of North Carolina, 72 64/90 dollars:

To Graaf, M'Clenachan, Hollingsworth, and Grigson, for which a warrant is to be drawn in favour of the Hon. Thomas Lynch, Esqr for their expences to and from Williamsburg, with the hire of a waggon, with money for South Carolina, 267 32/90 dollars:

To Joseph Beck going express from Philadelphia to Virginia, 340 miles, at 1/3 ||=1/6 of a dollar,|| 56 dollars:

To Michael Millenberger, for five days' use of his two-horse waggon, in transporting the sick troops in New Jersey, of Captain Brown's company, 13 30/90 dollars:

To Frederick Bicking, for 221 reams of paper for continental currency, at 52/ ||=6 84/90 dollars|| a ream, is £574.12 equal 1,532 24/90 dollars:

To William Clayton, for 338 meals of victuals, supplied the militia on their march to New Jersey, 32 72/90 dollars:

Ordered, That the said accounts be paid.

Sundry letters being received, were laid before Congress, and read.

Two letters from General Schuyler, of the 8th, with sundry papers enclosed;

One from Walter Livingston, of the 7th, and,

One from Brigadier General Armstrong, of the 12th of August:[1]

Resolved, That the foregoing letters, with the papers enclosed in General Schuyler's letter, except what relates to General Montgomery's accounts, be referred to the Board of War, and that the papers relative to the said accounts be referred to the Committee of Treasury.

Congress then resolved itself into a committee of the

[1] The letters from Schuyler are in the *Papers of the Continental Congress*, No. 153, II, folios 331, 360. That of Livingston is in No. 78, XIV, folio 83. That of Armstrong is in No. 162, folio 249.

whole to take into consideration the report of the Board of War; and, after some time, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matter referred to them, but not having yet come to a conclusion, desired leave to sit again.

Resolved, That Congress will, to morrow, again resolve itself into a committee of the whole, to take into their farther consideration the report of the Board of War.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 14, 1776

A letter of the [12] from B. Harrison,[1] secretary to General Washington, was received and read.[2]

Four French officers, who arrived in the *Reprisal*, Captain Weeks [Wickes], being recommended to Congress,

Resolved, That they be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the officers of militia, when on their march, and while in service, be allowed rations like the officers in the continental establishment, without any allowance of mileage:

That the commander in chief in the northern army be directed to erect barracks, and other accommodations, in the most convenient places in that department, and provide magazines of straw, fuel, and other necessaries for winter-quarters, for such number of troops as he shall think proper:

That General Schuyler be informed that his letter of the 16th ult., was duly received, and referred to the committee appointed to enquire into the causes of the miscarriages in Canada:

[1] Robert Hanson Harrison is intended.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 547.

That Captain Martindale and Lieutenant Turner be allowed their pay and rations to this time, and that they be referred to the Treasury Board for a settlement of their accounts:

That fifteen tons of powder, twenty thousand flints, ten tons of lead, and one hundred reams of cartridge paper, be immediately sent to General Gates, for the use of the army in the northern department:

That Brigadier General Armstrong have leave to return from South Carolina to Philadelphia:

That Deputy Commissary Livingston's resignation be accepted:

That Captains Wait Hopkins and Gideon Brownson be referred to the commissioners appointed to audit accounts in the northern department, for a settlement of their accounts:

That all continental troops and militia, going home from service, restore all continental arms and other property, and also all ammunition remaining in their possession, at the time of their being about to return. Their pay to be withheld unless they produce certificates from the commissary of stores, or quarter master general, or their deputies in the department where such continental troops or militia shall serve. And, if any continental property, or ammunition be carried away by the militia, before this resolve, stoppages to be made from such as have not received their pay, and that measures be taken with those who have been paid by the councils of safety, or legislatures of each state, for the restoration of such continental property and ammunition.[1]

A memorial from Jonathan Glover was laid before Congress, and read.

Resolved, That it be referred to the Marine Committee.

[1] Printed in the *Pennsylvania Gazette*, 25 September, 1776.

A letter of the 9th, from General Lee to the Board of War, was laid before Congress and read.

A petition from Captains Joseph Gardner, James M'Dowell, John M'Dowell, Samuel Evans, Ephraim Blackburn, and Stephen Cochran, was laid before Congress, and read.

Resolved, That 25,000 dollars be advanced to the state of Maryland, which is to be accountable for the same.

The committees of Westmoreland and Bedford, having, in pursuance of the resolution of Congress of the 15 July, recommended Van Swearingan, Moses Carson, Samuel Miller, James Piggot, Wendal Oury, David Killgore, Eliezer Miers, and Andrew Mann, for captains in the regiment commanded by Colonel M'Coy [Mackey]; and

Robert Mosley 1st lieutenant, William Thompson 2d lieutenant and Benjamin Neely ensign in Captain Van Swearingan's company.

John Findly 1st lieut: Alexander Sumrall 2 lieutenant and Joseph Kerr ensign in Captain Carson's company.

Matthew Jack 1st lieutenant, James Guthry 2d lieut: and John Simms ensign in Captain Miller's company.

Ezekiel Hickman 1st lieut: Philip Rodgers 2d lieut and David Wherry ensign in Captain Piggot's company.

Richard Carson 1st lieut, Samuel Smith 2d lieut. and Devalt Mecklin ensign in Capt: Oury's company.

William McGeary 1st lieut, William Mountz 2d lieut and Fealty [Valentine] Weaver ensign in Captain Kilgore's company.

James McDowel 1st lieut, James Beeler junr 2 lieut: and John Read ensign in Captain Miers' company.

Thomas Cook first lieut, John Crawford 2d lieut. and Aquilla White ensign in Captain Man's company.

Resolved, That they be accepted, and that commissions be granted to them accordingly.

Whereas the delegates of South Carolina have represented, that, by an arrangement made by Congress, on the 18th day of June last, the regiment of artillery and two regiments of rifflemen, raised in that province, will obtain precedency over a regiment of rangers, though the latter was raised before either of the former, which may be attended with consequences extremely prejudicial to the service: therefore,

Resolved, That the said regiment of rangers, commanded by Colonel William Thompson, do still keep the same station it had in the provincial arrangement, and be entitled to rank in the same way as other regiments in the continental service.

The order of the day, being postponed,

Adjourned to 10 o'Clock on Monday.[1]

MONDAY, SEPTEMBER 16, 1776

Sundry letters were laid before Congress, and read:

One, of the 14th, from General Washington;

One of the 9th, from General Schuyler, enclosing one of the 6 from General Gates;

One, of the 2d, from General Gates, with sundry papers enclosed.

Resolved, That the foregoing letters be referred to the Board of War.

A letter, of the 2d, from General Schuyler, was also read:[2]

[1] A petition from the second lieutenants of the first Virginia regiment is in the *Papers of the Continental Congress*, No. 42, IV, folio 92. It is indorsed as having been read September 14, 1776, and referred to the Board of War. There are no signatures.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 551. It is printed in *Writings of Washington* (Ford), IV, 402. That of Schuyler, of September 2, is in No. 153, II, 325. That of Gates, of the 6th, is in the same number, folio 329. Schuyler's, of the 9th, is in folio 364. The letter of Gates, of September 2, is in No. 154, I, folio 59.

Resolved, That this be referred to the Committee on Indian affairs.

There being sundry vacancies in Colonel Warner's batallion, Congress proceeded to the election of officers to fill the same:

John Fasset and ——— M'Une were elected captains in the room of John Grant and Jacob Vorsborough, who have declined to accept their commissions, on account of their ill-state of health;

Joseph Safford, Thomas Ransom, John Chipman, and Robert Torrence, first lieutenants in the room of [William] Dean, deceased, Woolbridge and Allen who decline serving, and J. Fassett promoted; Benjamin Hopkins, adjutant.

Resolved, That there be an addition of three brigadiers general in the continental army;

The ballots being taken, the following gentlemen were chosen: viz., Christopher Gadsden, Esqr William Moultrie, Esqr and Lachlan M'Intosh, Esqr

A letter, of the 31 of August, from Brigadier General Lewis, and

A letter the 30 August from William Rickman, director of the hospital in the southern department, were laid before Congress, and read:[1]

Resolved, That the letter from W. Rickman, be referred to the Medical Committee.

Resolved, That 50,000 dollars be advanced to the delegates of Georgia, for the use of the continental troops in that state, the said delegates to be accountable.

Resolved, That to Morrow be assigned for appointing commissioners to audit the public accounts in Virginia.

It being represented by the delegates of North Carolina, that, from late accounts, ||it appears, that|| the situation

[1] The letter of Lewis is in the *Papers of the Continental Congress*, No. 159, folio 250.

of affairs in that state is such, that it will be dangerous, if not impracticable, to execute the resolution of Congress of the 3d instant, ordering two of the North Carolina batallions, under the command of Brigadier General Moore, to march to reinforce the army at New York; Whereupon,

Resolved, That it be left to the discretion of the council of safety of North Carolina, to execute or suspend that resolution, according as they shall think it most conducive to the public service, and the safety of their particular state: ~~Provided,, nevertheless, that they shall not have power to stop Brigadier General Moore from repairing to New York.~~

Agreeable to order, Congress resolved itself into a committee of the whole, to take into consideration the report of the Board of War; and, after some time, the president resumed the chair, and Mr. [Thomas] Nelson reported, the committee have had under consideration the report of the Board of War, and have made sundry amendments, which they ordered him to lay before Congress:

Congress then took into consideration the report of the Board of War, with the amendments offered by the committee of the whole; and, thereupon, came to the following resolutions:

That eighty eight batallions be inlisted as soon as possible, to serve during the present war, and that each state furnish their respective quotas in the following proportions, viz.

New Hampshire,	-	3	batallions.	Delaware,	-	1	batallion.
Massachusetts bay,	-	15	do.	Maryland,	-	8	do.
Rhode Island,	-	2	do.	Virginia,	-	15	do.
Connecticut,	-	8	do.	North Carolina,	-	9	do.
New York,	-	4	do.	South Carolina,	-	6	do.
New Jersey,	-	4	do.	Georgia,	-	1	do.
Pensylvania,	-	12	do.				

That twenty dollars be given as a bounty to each noncommissioned officer and private soldier, who shall inlist

to serve during the present war, unless sooner discharged by Congress:

That Congress make provision for granting lands, in the following proportions: to the officers and soldiers who shall so engage in the service, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and soldiers as shall be slain by the enemy:

Such lands to be provided by the United States, and whatever expence shall be necessary to procure such land, the said expence shall be paid and borne by the states in the same proportion as the other expences of the war, viz.

To a colonel, 500 acres; to a lieutenant colonel, 450; to a major, 400; to a captain, 300; to a lieutenant, 200; to an ensign, 150; each non-commissioned officer and soldier, 100:

That the appointment of all officers, and filling up vacancies, (except general officers) be left to the governments of the several states, and that every state provide arms, cloathing, and every necessary for its quota of troops, according to the foregoing estimate: The expence of the cloathing to be deducted from the pay of the soldiers, as usual:

That all officers be commissioned by Congress:

That it be recommended to the several states, that they take the most speedy and effectual measures for inlisting their several quotas:

That the money to be given for bounties be paid by the pay master in the department where the soldier shall inlist:

That each soldier receive pay and subsistence from the time of their inlistment.[1]

[1] Printed in the *Pennsylvania Gazette*, 25 September, 1776.

The Committee of Treasury reported that there is due,

To Adam Zantzinger, for the expence of 5 light horse escorting money to New York, and one from thence to Albany, ninety four dollars and 64/90 of a dollar.

To John Bates, for 300 camp kettles delivered to Gustavus Risberg, A. D. Q. M. G. four hundred dollars:

To Philip Baker, for 289 meals of victuals, supplied Captains Grier and Nelson's companies of continental troops, 18 31/90 dollars:

To David Tryon, William Green, Peter Peterson, George Landers, and Samuel Brush, for the hire of their shallops, with continental troops and baggage, from Wilmington to Trenton, 104 dollars:

Ordered, That the above accounts be paid.

Resolved, That to Morrow be assigned for taking into consideration the articles of war.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 17, 1776

A letter of the 23 August last, from V. De Coetiry Prejent, was laid before Congress, and read.

Resolved, That the same, with paper inclosed, be referred to the Marine Committee.

The state of Maryland having recommended Thomas Beale, Esq. to be captain of the riffle company in Colonel Stevenson's batallion; Peter Contee Hanson, Esqr first lieutenant; James Lingan second lieutenant, and Richard Dorsey a third lieutenant; Elijah Evans third lieutenant in the said batallion, in the room of Henry Hardman, who has resigned,

Resolved, That they be accepted, and commissions granted accordingly.

The committee appointed to confer with Lord Howe, agreeable to order, brought in a report in writing, which was read as follows:

In Obedience to the order of Congress, we have had a meeting with Lord Howe. It was on Wednesday last, upon Staten island, opposite to Amboy, where his lordship received and entertained us with the utmost politeness.

His lordship opened the conversation, by acquainting us, that, though he could not treat with us as a committee of Congress, yet, as his powers enabled him to confer and consult with any private gentlemen of influence in the colonies, on the means of restoring peace between the two countries, he was glad of this opportunity of conferring with us on that subject, if we thought ourselves at liberty to enter into a conference with him in that character. We observed to his Lordship, that, as our business was to hear, he might consider us in what light he pleased, and communicate to us any propositions he might be authorized to make for the purpose mentioned; but that we could consider ourselves in no other character than that in which we were placed, by the order of Congress. His Lordship then entered into a discourse of considerable length, which contained no explicit proposition of peace, except one, namely, That the colonies should return to their allegiance and obedience to the government of Great Britain. The rest consisted principally of assurances, that there was an exceeding good disposition in the king and his ministers to make that government easy to us, with intimations, that, in case of our submission, they would cause the offensive acts of parliament to be revised, and the instructions to governors to be reconsidered; that so, if any just causes of complaint were found in the acts, or any errors in government were perceived to have crept into the instructions, they might be amended or withdrawn.

We gave it as our Opinion to his lordship, that a return to the domination of Great Britain was not now to be expected. We mentioned the repeated humble petitions of the colonies to the king and parliament, which had been treated with contempt, and answered only by additional injuries; the unexampled patience we had shown under their tyrannical government, and that it was not till the last act of parliament which denounced war against us, and put us out of the king's protection, that we declared our independence; that this declaration had been called for by the people of the colonies in general; that every

colony had approved of it, when made, and all now considered themselves as independent states, and were settling, or had settled, their governments accordingly; so that it was not in the power of the Congress to agree for them, that they should return to their former dependent state; that there was no doubt of their inclination to peace, and their willingness to enter into a treaty with Great Britain, that might be advantageous to both countries; that though his lordship had, at present, no power to treat with them as independent states, he might, if there was the same good disposition in Britain, much sooner obtain fresh powers from thence, for that purpose, than powers could be obtained by Congress, from the several colonies, to consent to a submission.

His Lordship then saying, that he was sorry to find, that no accommodation was like to take place, put an end to the conference.

Upon the whole, it did not appear to your committee, that his Lordship's commission contained any other authority of importance than what is expressed in the act of parliament, namely, that of granting pardons, with such exceptions as the commissioners shall think proper to make, and of declaring America, or any part of it, to be in the king's peace, upon submission; For, as to the power of enquiring into the state of America, which his Lordship mentioned to us, and of conferring and consulting with any persons the commissioners might think proper, and representing the result of such conversations to the ministry, who, (provided the colonies would subject themselves,) might, after all, or might not, at their pleasure, make any alterations in the former instructions to governors, or propose in Parliament, any amendment of the Acts complained of, we apprehended any expectation from the effect of such a power would have been too uncertain and precarious to be relyed on by America, had she still continued in her state of Dependence.[1]

Ordered, That the foregoing report, and also the message from Lord Howe, as delivered by General Sullivan, and the resolution of Congress in consequence thereof, be published by the committee who brought in the foregoing report.

[1] Printed in the *Pennsylvania Gazette*, 18 September, 1776. In Wharton, *Diplomatic Correspondence of the Revolution*, II, 141, is given the English account of this conference.

Ordered, That the said committee publish Lord Drummond's letters to General Washington, and the General's answers.[1]

[1]The following paper, in the writing of Thomas Jefferson, is among the Jefferson manuscripts, 5th series, vol. 10, folio 4, without date. There is nothing to show that Washington's letter of August 26th was referred to a committee:

"*Resolved*, that the articles enclosed by Ld Drummond to Ld Howe whereby it is proposed '~~that each of these states shall~~ it shall be ascertained by calculation what supply towards the general exigency of the state each separate colony shall furnish, to be encreased or lessened in proportion to the growth or decline of such colony, and to be vested in the king by a perpetual grant, in consideration whereof Great Britain should relinquish only her claim to taxation ~~only~~ over these colonies' ~~were the officious unauthorized and groundless prop suggestions~~ which the sd Ld Drummond suggests 'the colonies were disposed not many months ago to have made the basis of a reconciliation with Gr. Britain' were the unauthorized, officious and groundless suggestions of a person ~~to~~ who seems totally unacquainted with either the reasonings or the facts which have attended this great controversy; since ~~there never was a time since~~ from it's first origin to this day there never was a time ~~at which~~ when these states ~~would would have given up~~ intimated a disposition to give away in perpetuum their essential right of judging whether they should give or withold their money, for what purposes they should make the gift, and what should be it's continuance, ~~the reservation of which right has been of such distinguished advantage to rights which the people of Gr Britain and Ireland have been to ever too wise to relinquish.~~

"*Resolved* that tho' this Congress during the dependance of these states on ~~Gr~~ the British ~~king~~ crown with unwearied supplications ~~sought~~ sued for peace and just redress, and tho' they still retain a sincere disposition to peace; yet as his Britannic majesty by an obstinate perseverance in injury and ~~by~~ a callous ~~inattention~~ indifference to the sufferings and the complaints of these states, has driven them to the necessity of declaring themselves independent, this Congress bound ~~up~~ by the voice of their constituents [which coincides with their own sentiments][2] have no power to enter into conference or to receive any propositions on the subject of peace which do not as a preliminary ~~thereto~~ acknowledge these states to be sovereign and independant: and that whenever this shall have been authoritatively admitted on the part of Great Britain they shall at all times ~~be ready to confer and treat~~ and with that earnestness which the love of peace and justice inspires be ready to enter into conference or ~~to~~ treaty for the purpose of stopping the effusion of so much kindred blood.

"Resolved that the reproof given by Genl Washington to Ld Drummond for breach of his parole, and his refusal to give him a pass thro' these states ~~after~~ on so idle an errand and after a conduct so dishonorable, be approved ~~of~~ by this house, and that it be submitted to the General to take such measures as his prudence will suggest to prevent any evil which may happen to these states by ~~the~~ Lord Drummond's further continuing ~~of~~ a communication with their enemies."

[2]These words are in the writing of John Adams.

Sundry resolutions being moved and seconded, in addition to those passed yesterday ||relative to the new army|| after debate,

Resolved, That they be referred to the Board of War.

A letter of the 10th, from Brigadier General Lewis was laid before Congress, and read.

A letter, of the 13th, from James Forrest was also read.

Resolved, That it be referred to the Board of War.[1]

Congress took into consideration the plan of treaties to be proposed to foreign nations, [with] the amendments proposed by the committee of the whole.

Resolved, That the following plan of a treaty be proposed to His Most Christian Majesty.[2]

PLAN OF TREATIES.[3]

There shall be a firm, inviolable, and universal Peace, and a true and sincere Friendship between A. and B. and the Subjects of A. and of B. and between the Countries, Islands, Cities, and Towns situate under the Jurisdiction of A. and of B. and the People and Inhabitants thereof of every degree; with out Exception of Persons or Places; and the Terms herein after mentioned shall be perpetual between A. and B.

ART. I. The Subjects of the most Christian King shall pay no other Duties or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the said united States, or any of them, than the Natives thereof, or any Commercial Companies established by them or any of them, shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities, and Exemptions in Trade, Navigation and Commerce in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.

ART. II. The Subjects, People and Inhabitants of the said united States, and every of them, shall pay no other Duties, or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the most Christian King, than the Natives of such Countries, Islands,

[1] The letter of Lewis is in the *Papers of the Continental Congress*, No. 159, folio 254.

[2] This last paragraph is taken from the printed *Secret Journals*, Foreign Affairs.

[3] See under July 18, 1776, p. 576 *ante*, for the first form of this plan.

Cities, or Towns of France, or any commercial Companies established by the most Christian King shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Navigation and Commerce, in passing from one port [Part] thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.

Art. III. His most Christian Majesty shall retain the same Rights of Fishery on the Banks of Newfoundland, and all other Rights relating to any of the said Islands, which he is entitled to by virtue of the Treaty of Paris.

Art. IV. The most Christian King shall endeavour, by all the Means in his Power to protect and defend all Vessells, and the Effects belonging to the Subjects, People, or Inhabitants of the said united States, or any of them, being in his Ports, Havens, or Roads, or on the Seas, near to his Countries, Islands, Cities, or Towns, and to recover and to restore, to the right owners, their Agents or Attornies, all such Vessells, and Effects, which shall be taken, within his Jurisdiction; and his Ships of War, or any Convoys sailing under his Authority, shall upon all occasions, take under their Protection all Vessells belonging to the Subjects, People or Inhabitants of the said United States, or any of them, and holding the same Course, or going the same Way, and shall defend such Vessells as long as they hold the same Course, or go the same Way, against all Attacks, Force, and Violence, in the same manner, as they ought to protect and defend Vessells belonging to the Subjects of the most Christian King.

Art. V. In like manner the said United States, and their Ships of War and Convoys sailing under their Authority shall protect and defend all Vessells and Effects belonging to the Subjects of the most Christian King, and endeavour to recover and restore them, if taken within the Jurisdiction of the said United States, or any of them.

Art. VI. The most Christian King and the said United States shall not receive, nor suffer to be received into any of their Ports, Havens, Roads, Countries, Islands, Cities or Towns, any Pirates, or Sea Robbers, or afford, or suffer any Entertainment, Assistance, or Provision to be afforded to them, but shall endeavour by all Means, that all Pirates, and Sea Robbers, and their Partners, Sharers, and Abettors be found out, apprehended, and suffer condign Punishment; and all the Vessells and Effects piratically taken, and brought into the Ports or Havens of the most Christian King, or the said United States,

which can be found, altho they be Sold, shall be restored, or Satisfaction given therefor to the right owners, their Agents or Attornies demanding the same, and making the right of Property to appear by due Proof.

Art. VII. The most Christian King shall protect, defend and secure, as far as in his Power, the Subjects, People and Inhabitants of the said United States and every of them, and their Vessells and Effects of every Kind, against all Attacks, Assaults, Violences, Injuries, Depredations or Plunderings by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other Prince, State and Power, on the Coast of Barbary in Africa and the Subjects of the said King, Emperor, States, and Powers, and of every of them, in the same manner, and as effectually and fully, and as much to the Benefit Advantage Ease and Safety of the said united States and every of them, and of the Subjects, People, and Inhabitants thereof, to all Intents and Purposes, as the King and Kingdom of Great Britain, before the Commencement of the present War, protected, defended, and secured the People and Inhabitants of the said United States, then called the British Colonies, in America, their Vessells and Effects, against all such attacks, Assaults, Violences, Injuries, Depredations and Plunderings.

Art. VIII. If, in Consequence of this Treaty, the King of Great Britain, should declare War, against the most Christian King, the said United States shall not assist Great Britain, in such War, with Men, Money, Ships, or any of the Articles in this treaty denominated Contraband Goods.

Art. IX. The most Christian King, shall never invade, nor under any pretence attempt to possess himself of Labradore, New Britain, Nova Scotia, Acadia, Canada, Florida, nor any of the Countries, Cities, or Towns, on the Continent of North America, nor of the Islands of Newfoundland, Cape Breton, St. John's, Anticosti, nor of any other Island lying near to the said Continent, in the Seas, or in any Gulph, Bay, or River, it being the true Intent and meaning of this Treaty, that the said United States, shall have the sole, exclusive, undivided and perpetual Possession of the Countries, Cities, and Towns, on the said Continent, and of all Islands near to it, which now are, or lately were under the Jurisdiction of or Subject to the King or Crown of Great Britain, whenever they shall be united or confederated with the said United States.

Art. X. The subjects, inhabitants, merchants, commanders of ships, masters and mariners, of the states, provinces and dominions of each party, respectively, shall abstain and forbear to fish in all places, possessed, or which shall be possessed by the other party. The most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places which the said United States hold, or shall hereafter hold; and in like manner, the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess. And if any ship or vessel shall be found fishing, contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated.

Art. XI. If in any War, the most Christian King, shall conquer, or get Possession of the Islands in the West Indies, now under the Jurisdiction of the King or Crown of Great Britain, or any of them, or any Dominions of the said King or Crown in any other Parts of the World, the Subjects, People and Inhabitants of the said United States, and every of them, shall enjoy the same Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Commerce and Navigation, to and from the said Islands, and Dominions, that are mentioned in the Second Article of this Treaty.

Art. XII. It is the true Intent and Meaning of this Treaty, that no higher or other Duties shall be imposed on the Exportation of any Thing of the Growth, Production, or Manufacture of the Islands in the West Indies now belonging or which may hereafter belong to the most Christian King, to the said United States, or any of them, than the lowest that are or shall be imposed on the Exportation thereof to France or to any other Part of the World.

Art. XIII. It is agreed, by and between the said Parties that no Duties whatever shall ever here after be imposed on the Exportation of Molasses, from any of the Islands and Dominions of the most Christian King in the West Indies to any of these United States.

Art. XIV. The Subjects, People, and Inhabitants of the United States, or any of them, being Merchants and residing in France, and their Property, and Effects of every Kind, shall be exempt from the Droit d' Aubaine.

Art. XV. The Merchant Ship of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally, and concerning whose Voyage, and the Species of Goods on board her, there shall be just Grounds of Suspicion, shall be obliged to exhibit,

as well upon the high Seas as in the Ports and Havens, not only her Passports, but like wise Certificates, expressly shewing that her Goods are not of the Number of those which have been prohibited, as Contraband.

ART. XVI. If by the exhibiting of the above Certificates, the other Party discover there are any of those Sorts of Goods, which are prohibited and declared Contraband, and consigned for a Port under the obedience of his Enemies, it shall not be lawfull to break up the Hatches of such Ship, or to open any Chest, Coffers, Packs, Casks, or any other Vessells found therein or to remove the smallest Parcells of her Goods, whether such Ship belong to the Subjects of France, or the Inhabitants of the said United States, unless the lading be brought on Shore in the Presence of the officers of the Court of Admiralty, and an Inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, untill after that due and lawfull Process shall have been had against such prohibited Goods, and the Courts of Admiralty shall, by a Sentence pronounced, have confiscated the same, saving always as well the Ship itself, as any other Goods found therein, which by this Treaty, are to be esteemed free; neither may they be detained on Pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawfull Prize: But if not the whole Cargo, but only Part thereof shall consist of prohibited or contraband Goods, and the Commander of the Ship shall be ready and willing to deliver them to the Captor who has discovered them, in such Case the Captor having received those Goods, shall forthwith discharge the Ship, and not hinder her by any Means freely to prosecute the Voyage on which she was bound.

ART. XVII. On the Contrary, it is agreed, that whatever shall be found to be laden by the Subjects and Inhabitants of either Party, on any Ship belonging to the Enemy of the other, or to his Subjects, although it be not of the Sort of prohibited Goods, may be confiscated in the same Manner as if it belonged to the Enemy himself, except such Goods and Merchandise as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done without the Knowledge of such Declaration. So that the Goods of the Subjects or People of either Party, whether they be of the Nature of such as are prohibited, or otherwise which, as is aforesaid, were put on board any Ship belonging to an Enemy before the War, or after the Declaration of it, without the Knowledge of it, shall no

wise be liable to Confiscation, but shall well and truly be restored without delay to the Proprietors demanding the same; but so as that if the said Merchandises be contraband, it shall not be any Ways lawfull to carry them afterwards to any Ports belonging to the Enemy.

Art. XVIII. And that more effectual Care may be taken, for the Security of the Subjects, and Inhabitants of both Parties, that they suffer no Injury by the Men of War or Privateers of the other Party, all the Commanders of the Ships of the most Christian King, and of the said United States and all their Subjects and Inhabitants, shall be forbid, doing any Injury, or Damage to the other Side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make Satisfaction for all matter of Damage, and the Interest thereof, by Reparation, under the Penalty and Obligation of their Person and Goods.

Art. XIX. All Ships, and Merchandises, of what Nature soever, which shall be rescued out of the Hands of any Pirates, or Robbers on the high Seas, shall be brought into some Port of either State, and shall be delivered to the Custody of the officers of that Port, in order to be restored entire to the true Proprietor, as soon as due and sufficient Proof shall be made, concerning the Property, thereof.

Art. XX. It shall be lawfull for the Ships of War of either Party, and Privateers, freely to carry whithersoever they please, the Ships and Goods, taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested, or seized, when they come to, and enter the Ports of either Party; nor shall the Searchers, or other Officers of those Places search the same, or make Examination concerning the Lawfullness of such Prizes, but they may hoist Sail, at any Time and depart and carry their Prizes to the Place expressed in their Commissions, which the Commanders of such Ships of War shall be obliged to shew. On the Contrary, no Shelter, or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects, People, or Property, of either of the Parties; but if such should come in, being forced by Stress of Weather, or the Danger of the Sea, all proper Means shall be vigorously used, that they go out, and retire from thence as soon as possible.

Art. XXI. If any Ships belonging to either of the Parties, their Subjects or People, shall, within the Coasts, or Dominions of the other, stick upon the sands or be wrecked, or suffer any other Damage, all friendly assistance and Relief shall be given to the Persons Ship-

wrecked, or such as shall be in danger thereof; and Letters of Safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the Return of every one to his own Country.

ART. XXII. In Case the Subjects and People of either Party, with their Shipping, whether public, and of War, or private and of Merchants, be forced through Stress of Weather, Pursuit of Pirates or Enemies, or any other urgent Necessity, for Seeking of Shelter and Harbour, to retreat, and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports, or Shores, belonging to the other Party; they shall be received and treated with all Humanity, and Kindness, and enjoy all friendly Protection and Help; and they shall be permitted to refresh and provide themselves, at reasonable Rates, with Victuals and all Things needfull for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of their Voyage; and they shall no Ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any Lett or Hindrance;

ART. XXIII. For the better promoting of Commerce on both Sides, it is agreed, that if a War shall break out between the Said two Nations, Six Months, after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they live, for settling and transporting their Goods and Merchandizes; and if any Thing be taken from them, or any Injury be done them within that Time by either Party, or the People or Subjects of either, full Satisfaction shall be made for the Same.

ART. XXIV. No Subjects of the most Christian King, shall apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the said United States or any of them, or against the Subjects, People, or Inhabitants of the said United States or any of them, or against the Property of any of the Inhabitants of any of them, from any Prince, or State with which the said United States shall be at War. Nor shall any Citizen, Subject, or Inhabitant, of the said United States or any of them, apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the Subjects of the most Christian King or any of them, or the Property of any of them, from any Prince or State, with which the said King shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

Art. XXV. It shall not be lawfull for any foreign Privateers not belonging [to the] Subjects of the most Christian King, nor Citizens of the said United States, who have Commissions from any other Prince or State, in Enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to Sell what they have taken, or in any other manner whatsoever to exchange either Ships, Merchandizes, or any other Lading: neither shall they be allowed even to purchase Victuals, except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.

Art. XXVI. It shall be lawfull for all and Singular the Subjects of the most Christian King, and the Citizens, People, and Inhabitants of the said States, to Sail with their Ships, with all manner of Liberty and Security; no distinction being made, who are the Proprietors of the Merchandizes laden thereon from any Port, to the Places of those who now are, or hereafter shall be at Enmity with the most Christian King, or the United States. It shall likewise be lawfull for the Subjects and Inhabitants aforesaid, to sail with the Ships and Merchandizes aforementioned; and to trade with the same Liberty, and Security, from the Places, Ports, and Havens of those who are Enemies of both or either Party, without any opposition or Disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places; but also from one Place belonging to an Enemy, to another Place belonging to an Enemy, whether they be under the Jurisdiction of the same Prince or under Several: And it is hereby Stipulated that free Ships shall also give a Freedom to Goods, and that every Thing shall be deemed to be free and exempt, which shall be found on board the Ships, belonging to the Subjects of either of the Confederates; although the whole Lading or any Part thereof, should appertain to the Enemies of Either, Contraband Goods being always excepted. It is also agreed in like manner, that the same Liberty, be extended to Persons, who are on board a free Ship with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual Service of the Enemies.

Art. XXVII. This Liberty of Navigation and Commerce shall extend to all Kinds of Merchandizes, excepting those only which are distinguished by the Name of Contraband: and under this Name of Contraband, or prohibited Goods, shall be comprehended Arms, Great

Guns, Bombs with their Fuzees, and other Things belonging to them; Fire Balls, Gunpowder, Match, Cannon Ball, Pikes, Swords, Lances, Spears, Halberds, Mortars, Petards, Granadoes, Saltpetre, Musketts, Muskett Balls, Helmets, Head Pieces, Breast Plates, Coats of Mail, and the like Kind of Arms proper for arming Soldiers, Muskett rests, Belts, Horses with their Furniture, and all other war like Instruments whatsoever. These Merchandizes which follow, shall not be reckoned among Contraband or prohibited Goods; that is to Say, all Sorts of Cloths, and all other Manufactures woven of any Wool, Flax, Silk, Cotton, or any other Material whatever; all Kinds of Wearing apparell, together with the Species whereof they are used to be made; Gold and Silver, as well coined as uncoined, Tin, Iron, Lead, Copper, Brass, Coals; as also Wheat and Barley, and any other Kind of Corn and Pulse; Tobacco, and likewise all manner of Spices; Salted and Smoked Flesh, Salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars, and all Sorts of Salt; and in general, all Provisions which Serve for the Nourishment of Mankind, and the Sustenance of Life: Furthermore, all Kinds of Cotton, Hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail Cloth, Anchors, and any Parts of Anchors; also Ships' Masts, Planks, Boards, and Beams, of what Tree Soever; and all other Things proper either for building or repairing Ships, and all other Goods whatsoever which have not been worked into the Form of any Instrument or Thing prepared for War, by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other use; all which shall wholly be reckoned among free Goods; as likewise all other Merchandizes and Things which are not comprehended, and particularly mentioned in the foregoing Enumeration of Contraband Goods; So that they may be transported and carried in the freest Manner by the Subjects of both Confederates, even to Places belonging to an Enemy, such Towns and Places being only excepted as are at that time besieged, blocked up, or invested.

Art. XXVIII. To the End that all manner of Dissentions and Quarrells may be avoided and prevented on one Side and the other, it is agreed, that in Case either of the Parties hereto, should be engaged in a War, the Ships and Vessells belonging to the Subjects or People of the other Ally, must be furnished with Sea Letters or Passports, expressing the Name, Property and Bulk of the Ship, as also the Name and Place of Habitation of the Master or Commander of the said Ship,

that it may appear thereby, that the Ship really and truly belongs to the Subjects of one of the Parties; which Passports shall be made out and granted according to the Form annexed to this Treaty. They shall likewise be recalled every Year; that is, if the Ship happens to return home within the Space of a Year. It is likewise agreed, that such Ships being laden, are to be provided, not only with Passports as abovementioned, but also with Certificates, containing the Several Particulars of the Cargo, the Place whence the Ship sailed, and whither She is bound; that so it may be known whether any forbidden or contraband Goods, be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship Set Sail, in the accustomed Form. And if any one shall think it fit or advisable to express in the said Certificates the Persons to whom the Goods on board belong, he may freely do so.

Art. XXIX. The Ships of the Subjects and Inhabitants of either of the Parties, coming upon any Coast belonging to either of the said Allies, but not willing to enter into Port, or being entered into Port, and not willing to unload their Cargoes, or break Bulk, shall not be obliged to give an Account of their Lading, unless they should be Suspected, upon some manifest Tokens, of carrying to the Enemy of the other Ally, any prohibited Goods called Contraband; And in Case of such manifest Suspicion, the Parties shall be obliged to exhibit in the Ports, their Passports and Certificates, in the manner before Specified.

Art. XXX. If the Ships of the said Subjects, People or Inhabitants of either of the Parties, shall be met with, either Sailing along the Coast, or on the high Seas, by any Ship of War of the other, or by any Privateers, the said Ship of War or Privateers, for the avoiding of any disorder, shall remain out of Cannon Shot, and may send their Boats, on board the Merchant Ship, which they shall so meet with, and may enter her to the Number of two or three Men only, to whom the Master or Commander of such Ship or Vessell shall exhibit his Passport, concerning the Property of the Ship, made out according to the Form inserted in this present Treaty; and the Ship when she shall have shewed such Passport, shall be free and at Liberty to pursue her Voyage, so as it shall not be lawfull to molest or search her in any Manner, or to give her Chace, or force her to quit her intended Course. It is also agreed that all Goods when once put on board the Ships or Vessels of either Parties shall be subject to no farther Visitation, but all Visitation or Search shall be made before Hand; and all

prohibited Goods shall be stopt on the Spot, before the same be put on board the Ships or Vessels of the respective State: Nor shall either the Persons or Goods of the Subjects of His most christian Majesty or the United States be put under any Arrest or molested by any other Kind of Embargo for that Cause; and only the Subject of that State by whom the said Goods have or shall be prohibited, and shall presume to sell or alienate such sort of Goods, shall be duly punished for the Offence.

The Form of the Sea Letters and Passports, to be given, to Ships and Vessels, according to the twenty-eighth Article

To all who shall See these Presents Greeting: It is hereby made known, that Leave and Permission has been given to Master and Commander of the Ship called of the Town of Burthen Tons or thereabouts, lying at present in the Port and Haven of and bound for and laden with after that his Ship has been visited, and before Sailing, he shall make Oath before the officers who have the Jurisdiction of maritime Affairs, that the said Ship belongs to one or more of the Subjects of the Act whereof shall be put at the End of these Presents; as likewise that he will keep and cause to be kept by his Crew, on board, the Marine ordinances and Regulations, and enter in the proper Office a List signed and witnessed of the Crew of his Ship, and of all who shall embark, on board her, whom he shall not take on board without the Knowledge and Permission of the officers of the Marine; and in every Port and Haven where he shall enter with his Ship, he shall shew this present Leave to the officers and Judges of the Marine, and shall give a faithfull account to them of what passed and was done during his Voyage, and he shall carry the Colours, Arms, and Ensigns of during his Voyage.

In Witness whereof, We have Signed these Presents, and put the Seal of our Arms thereunto, and caused the Same to be countersigned by at the Day of A. D. .

The Form of the Act containing the Oath

We of the Admiralty of do certify that Master of the Ship named in the above Passport, hath taken the oath mentioned therein.

Done at the Day of A. D. .

The Form of the Certificate to be required of and to be given by the Magistrates or officers of the Customs of the Town and Port in their respective Towns and Ports, to the Ships and Vessells, which Sail from thence, according to the Directions of the 28th Article of this present Treaty

We, Magistrates (or officers of the Customs) of the Town and Port of do certify and attest, that on the Day of the Month of in the Year of our Lord personally appeared before Us, of and declared by a Solemn Oath, that the Ship or Vessell called of about Tons whereof of his usual Place of Habitation, is Master or Commander, does rightfully and properly belong to him and others Subjects of and to them alone: That She is now bound from the Port of to the Port of laden with the Goods and Merchandizes hereunder particularly described and enumerated, that is to Say, .

In Witness whereof we have Signed this Certificate, and Sealed it with the Seal of our office. Given the day of the Month of in the Year of our Lord .

During the debate a letter, of the 16, from General Washington, being received was read.[1]

After reading the letter, Congress resumed the consideration of the matter in debate: ~~But not having time to finish.~~ The same were agreed to.

Resolved, That the farther consideration of the instructions to be given to the agents to foreign states, be referred till to Morrow.

Resolved, That one thousand and sixty six and two thirds of a dollar be advanced to Robert Erwin, waggon master general.

Resolved, That the Secret Committee be directed, after arming the German batallion, to arm the Maryland company on its march to New York with the remainder, or

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 555. It is printed in *Writings of Washington* (Ford), IV, 406.

with as many arms as shall then be in their possession, belonging to the Continent.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 18, 1776

A letter of the 16, from Richard Dallam, was laid before Congress, and read.[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That if rations be received by the officers or privates in the continental army, in money, they be paid at the rate of eight ninetieths parts of a dollar per ration:

That Monsieur Jacque Paul Govert have the rank and pay of a captain lieutenant of artillery in the continental army, and that his commission be given to him accordingly:

That altho' this Congress cannot approve of the Behavior of Brigadier General Arnold towards the Court Martial of which Col. Poor was the President held at Ticonderoga ~~for the Trial of Col Hazen~~ in July last, and altho the Resolution of the Court Martial in Support of their Dignity deserves Applause, yet the Conduct of General Gates in putting an End to so dangerous an Altercation (which appears to have been too warm on both Sides) at a critical Time by dissolving the Court Martial, was prudent and ~~highly~~ deserves the Approbation of this Congress.

postpon'd

That the Vigilance Prudence and Activity of General Gates since he had the Command of the Northern Army, in general, and especially in composing Differences, removing Jealousies and Animosities and exterminating the Small Pox from that Army deserves the Thanks of Congress and that the Thanks of Congress be accordingly transmitted him by the President.

postpon'd

[1]This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 63.

That the Medical Committee send an assortment of proper medicines to the northern army:[1]

That Monsieur de Vermonet have the rank and pay of a major by brevet, he being a gentleman of considerable military abilities:

That the bounty and grants of land offered by Congress, by a resolution of the 16 instant, as an encouragement to the officers and soldiers to engage to serve in the army of the United States during the war, shall extend to all who are or shall be inlisted for that term; the bounty of ten dollars, which any of the soldiers have received from the continent on account of a former inlistment, to be reckoned in part payment of the twenty dollars offered by the said resolution:

||That no officer in the continental army be allowed to hold more than one commission, or to receive pay but in one capacity at the same time:||[2]

Resolved, That the remainder of the report be postponed.

Resolved, That the Board of War be directed to ~~bring in the form of an Oath, to be taken by the soldiers on their being inlistment, and also~~ prepare a resolution for enforcing and perfecting discipline in the army.

Resolved, That the treasurer be directed to pay John Bonfield, four hundred and sixty nine pounds, seven shillings, lawful money, in specie, the same being in full of Brigadier General Arnold's note of the 11th of May last: and that the same be charged to the account of the said Brigadier General B. Arnold.

Resolved, That an order for one thousand dollars be drawn on the treasurer in favour of the Cannon Committee; they to be accountable:

[1] This report, dated "at a Board of War, Septr. 14th, 1776" and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 5. It is indorsed: "partly agreed to. Two paragraphs postpon'd, Septr. 18, 1776."

[2] Printed in the *Pennsylvania Gazette*, 25 September, 1776.

That the Secret Committee be directed to furnish the Cannon Committee with two barrels of powder for the purpose of proving cannon.

Resolved, That Captain M'Kenzie, a prisoner in the gaol of Philadelphia, be liberated on his parole, the state of his health requiring air and exercise; and that he be ordered to Reading, in Pensylvania, there to reside under the same restrictions as other officers on their parole.

The Committee of Treasury brought in a report on the ways and means of raising five millions of dollars, which was read:

Ordered, To lie on the table.

Congress then took into consideration the instructions to the Agents, and after debate,

Resolved, That the further consideration thereof be postponed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 19, 1776

The Board of Treasury reported, that they have examined the vouchers brought into their office by Joseph Hewes, Esqr one of the Naval Committee, by which it appears, that the Naval Committee have expended the sum of one hundred and thirty four thousand three hundred and thirty three dollars and 27/90 of a dollar in fitting out eight armed vessels.

Resolved, That the same be allowed and passed to the credit of the said committee.

The Naval Committee having laid before Congress an account of sundry outstanding debts, and of sundry goods by them purchased, and put into the hands of different persons who have not yet accounted for the same,

Resolved, That the said account be delivered to the Marine Committee, and that they be directed to take effectual measures to have the said outstanding debts collected and accounts settled.[1]

Resolved, That two months pay as major, being 66 2/3 dollars be advanced to Major le Chevalier de Vermonet; he to be accountable:

Resolved, That Major de Vermonet be referred to the Board of Treasury, for a settlement of his account for rations:

Resolved, That 100 dollars be advanced to Captain William Davies, of Virginia, for the use of his company on their march to New York, he to be accountable.

A petition from Captain Woelper, was laid before Congress, and read:

Resolved, That it be referred to the delegates of Pensylvania and Maryland, who are directed to settle the rank of the captains and subalterns in the German batallion, and report to Congress.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mons. Marquis de Malmedy be appointed to the rank and pay of a major by brevet in the continental army, and that he receive his commission accordingly:

That Mons. Jean Louis Imbert, a gentleman well recommended as an engineer, be sent to General Washington to be employed in that capacity, in order to shew his abilities, and that one month's pay as a captain be advanced for his expences:

[1] The Thomson memorandum (see p. 90, *ante*) says that the Naval Committee "rendered their accounts, having fitted out 8 armed vessels, the business was referred to the Marine Com^ee^ and the Naval Com^ee^ discharged." In the *Papers of the Continental Congress*, No. 31, folio 99, are to be found the details of these accounts, prepared in 1784.

That Mons. Christian de Colerus be appointed to the rank and pay of a major by brevet, and that his commission be forthwith given him:

That Mons. Jean Louis de Vernejous be appointed to the rank and pay of a captain by brevet, and commissioned accordingly:

That the commander in chief of the forces of these states in the several departments, be directed to give positive orders to the brigadier generals and colonels, and all other officers in their several armies, that the troops, under their command, may, every day, be called together, and trained in arms, in order that officers and men may be perfected in the manual exercise and manœuvres, and inured to the most exemplary discipline, and that all officers be assured, that the Congress will consider activity and success, in introducing discipline into the army, among the best recommendations for promotion.[1]

The commissioners for settling the public accounts in the Northern Army, having represented to the Board of Treasury, that sundry officers in the army, holding two commissions, had, previous to the time of General Schuyler's receiving the order of Congress, not to allow pay to any person for more than one commission, received warrants from the general for payment in their double capacity, and desiring to know whether such accounts are to be allowed:

Resolved, That such warrants drawn by General Schuyler, previous to the time of his receiving the order of Congress, be allowed by the commissioners:

That, to prevent, for the future, warrants being drawn by any general in the continental army, in favor of any officer, for more than one commission, the order of Con-

[1] This paragraph was suggested by John Adams. See his Autobiography, *Works*, III, 83.

gress be published, that no officer in the continental army is allowed to hold more than one commission, or to receive pay but in one capacity.[1]

The Committee of Treasury reported, that there is due,

To Henry Brothers, 54 dollars; George Troxsell, 64 72/90 dollars, and Jacob Miller, 60 dollars; the whole amounting to one hundred and seventy eight dollars and 72/90 of a dollar; to be paid to Lieutenant Colonel George Stricker, for the hire of three waggons from Maryland to Philadelphia, with the baggage of two field officers, and two companies belonging to the German batallion:

To the late Colonel Caleb Parry, for provisions supplied the militia on their march to New Jersey, with their ferriage, and the ferriage of baggage waggons over Schuylkill, 53 dollars; to be paid to John Jacobs:

Ordered, That the said accounts be paid.

A memorial from the Chevalier Dorré, was presented to Congress and read:

Resolved, That it be referred to the Board of War.

The Committee for Indian Affairs brought in a report, which was taken into consideration; Whereupon,

Resolved, That sixty six dollars and 60/90 of a dollar, be paid to Jacob Fowler, of the Montauk tribe of Indians on Long Island, for his trouble in going to the Mohawk and Oneida nations of Indians, and for his services whilst he remained amongst them:

That the commanding officers of the several posts, on the frontiers of Virginia and Pensylvania, be desired to give the earliest intelligence they can, of every important occurrence they may have notice of, respecting the Indians, to the commissioners, or, when they are not in the way, to the agent for Indian Affairs:

[1] See note, p. 781, *ante*.

That it be recommended to the inhabitants of the frontiers, and to the officers at all the posts there, to treat the Indians, who behave peaceably and inoffensively, with kindness and civility, and not to suffer them to be ill used or insulted:

That four hundred dollars be paid to the agent for Indian affairs, in the middle department, for expenditures, and be accounted for by him:

That the orders drawn by the commissioners for Indian affairs in the middle department, on the committee for Indian affairs, for £1,104 17 7½, Pensylvania currency, and for £73 0 9, of like money, being 3,141 10/90 dollars, the cost of sundry merchandise bought by the agent for the Indians; the former payable to James Heron, and the other to James Heron and James Bavard, be accepted, and that the money be paid by the treasurer of the United States:

That a talk be delivered to the chiefs and warriors of the Shawanese Indians, now in Philadelphia, to be communicated by them to their nation, in these words:

The United States of America, to their Brethren, the Chiefs and Warriors of the Shawanese Nation.

We have heard from you by Mr. Morgan, our agent, and are much pleased with your reception of him into your towns, and with your answers to our messages by him. We expect that you and our commissioners will shortly meet in council at Pittsburg, when we hope our old friendship will be renewed, and such a peace established between us, as will last forever.

Our young brothers, Wenthissicia and Pellawa, have visited their white brethren here in company with Mr. Morgan. They can tell you that we keep our roads clear of thorns and briars, and open for all our Indian brethren, who think proper to visit us. We shall always be pleased to see our brothers, the Shawanese, and our brothers of every other Indian nation. We wish to see some of their wise men at our great council fire, which we preserve bright and clear for all nations.

As it may be a means of conciliating the friendship of the Canadian Indians, or, at least, of preventing hostilities from them in some measure, to assist the president of Dartmouth college, in New Hampshire, in maintaining their youth who are now there, under his tuition, and whom the revenues of the college are not, at this time, sufficient to support; that, for this purpose, five hundred dollars be paid to the Rev. Dr. Eleazer Wheelock, president of the said college.[1]

Resolved, That the adjutants of regiments in the continental army be allowed the pay and rations of captains, and have the rank of first lieutenants.[2]

Congress resumed the consideration of the articles of war; and, after some time, the farther consideration of them was postponed.

Resolved, That the Secret Committee be directed to supply the state of New Jersey with one ton of powder; the said state to be accountable.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 20, 1776

A letter of the 18th, from General Washington,[3] also,

A letter of the 13th, from the general Assembly of Massachusetts bay, with sundry papers enclosed, were laid before Congress, and read.

Resolved, That the letter from the general Assembly of Massachusetts bay be referred to the Marine Committee.

[1] In the margin is written in the writing of Francis Hopkinson: "Order given to John Wheelock, son of the President."

[2] Printed in the *Pennsylvania Gazette*, 25 September, 1776.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, II, folio 559. It is printed in *Writings of Washington* (Ford), IV, 416.

In order to prevent the officers and soldiers, who shall be entitled to the lands hereafter to be granted by the resolution of Congress of the 16, from disposing of the same, during the war,

Resolved, That this Congress will not grant lands to any person or persons, claiming under the assignment of an officer or soldier.[1]

Resolved, That the Medical Committee be directed to forward 300 lb. of Peruvian bark to the southern department, for the use of the troops in the said department.

Congress resumed the consideration of the articles of war, which, being debated by paragraphs, were agreed to, as follows:[2]

ARTICLES OF WAR

Resolved, That from and after the publication of the following articles, in the respective armies of the United States, the rules and articles by which the said armies have heretofore been governed, shall be, and they are, hereby repealed.[3]

SECTION I

Article 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations.

Art. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service: and all officers and soldiers who shall behave indecently, or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending

[1] Printed in the *Pennsylvania Gazette*, 25 September, 1776.

[2] In the *Papers of the Continental Congress*, No. 41, I, folio 1, is a paper by William Tudor, "Remarks on the Rules and Articles for the government of the Continental Troops," giving suggestions for a revision of the rules established June 30, 1775. See Vol. II, 111.

[3] See note under August 19, p. 670, *ante*.

shall, for his first offence, forfeit 1/6th of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours; and, for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

Art. 3. Whatsoever non-commissioned officer or soldier shall use any prophane oath or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of prophane cursing or swearing, he shall forfeit and pay, for each and every such offence, two-thirds of a dollar.

Art. 4. Every chaplain who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from the said regiment, company, troop, or garrison, (excepting in case of sickness or leave of absence) ~~upon Pain of being brought to a Court-Martial and punished as their judgment and the circumstances of his offence may require.~~ shall be brought to a court-martial, and be fined not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court-martial shall judge most proper.

SECTION II

Art. 1. Whatsoever officer or soldier shall presume to use traiterous or disrespectful words against the authority of the United States in Congress assembled, or the legislature of any of the United States in which he may be quartered, if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

Art. 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander in chief of the forces of the United States, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a court-martial.

Art. 3. Any officer or soldier who shall begin, excite, cause or join, in any mutiny or sedition, in the troop, company or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 4. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by a court-martial with death, or otherwise, according to the nature of the offence.

Art. 5. Any officer or soldier who shall strike his superior officer, or draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

Section III

Art. 1. Every non-commissioned officer and soldier, who shall inlist himself in the service of the United States, shall at the time of his so inlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who inlisted him, or by the commanding officer of the troop or company into which he was inlisted, be taken before the next justice of the peace, or chief magistrate of any city or town-corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge-advocate, and, in his presence, shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath:

I swear, or affirm, (as the case may be,) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the Continental Congress, and the orders of the generals and officers set over me by them.

Which justice or magistrate is to give the officer a certificate, signifying that the man inlisted, did take the said oath or affirmation.

Art. 2. After a non-commissioned officer or soldier shall have been duly inlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge, granted to him, shall be allowed of as sufficient, which is not signed by a field-officer of the regiment into which he was inlisted, or commanding officer, where no field-officer of the regiment is in the same state.

SECTION IV

Art. 1. Every officer commanding a regiment, troop, or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop or company, under his command, in the next convenient place for their being mustered.

Art. 2. Every colonel or other field-officer commanding the regiment, troop, or company, and actually residing with it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but, no non-commissioned officer or soldier shall, by leave of his captain, or inferior officer, commanding the troop or company (his field-officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time from their troop or company, excepting some extraordinary occasion shall require it, of which occasion the field-officer, present with, and commanding the regiment, is to be the judge.

Art. 3. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary, certificates signed by himself, signifying how long such officers, who shall not appear at the said muster, have been absent, and the reason of their absence; in like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster-rolls opposite to the names of the respective absent officers and soldiers: The said certificates shall, together with the muster-rolls, be remitted by the commissary to the Congress, as speedily as the distance of place will admit.

Art. 4. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

Art. 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary who shall willingly sign, direct, or allow the signing of the muster-rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Art. 6. Any commissary who shall be convicted of having taken money, or any other thing, by way of gratification, on the mustering any regiment, troop, or company, or on the signing the muster rolls, shall be displaced from his office, ~~and, moreover, forfeit all such Pay as may be due to him at the time of conviction of such offence.~~ and shall be thereby utterly disabled to have or hold any office or employment under the United States.

Art. 7. Any officer who shall presume to muster any person as a soldier, who is, at other times, accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Section V

Art. 1. Every officer who shall knowingly make a false return to the Congress, or any committee thereof, to the commander in chief of the forces of the United States, or to any his superior officer authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

Art. 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander in chief of the American forces, and to the Congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and time of, their absence: Whoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

Section VI

Art. 1. All officers and soldiers, who having received pay, or having been duly inlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded,

shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial.

Art. 3. No non-commissioned officer or soldier shall inlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly: And in case any officer shall, knowingly, receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he, the said officer so offending, shall, by a court-martial, be cashiered.

Art. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

Section VII

Art. 1. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

Art. 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commissioned officer, of being cashiered, if a non-commissioned officer or soldier, of suffering corporal punishment, at the discretion of a court-martial.

Art. 3. If any commissioned or non-commissioned officer commanding a guard, shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger: And likewise all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Art. 4. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers to prison, till their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Art. 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the orders of Congress, and done their duty as good soldiers, who subject themselves to discipline.

SECTION VIII

Art. 1. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service, or sermon, on the penalty of being dismissed from all future suttling.

Art. 2. All officers, soldiers and suttlers, shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity or species of provisions, eatable or drinkable, except where any contract or contracts are, or shall be entered into by Congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Art. 3. All officers, commanding in the forts, barracks, or garrisons of the United States, are hereby required to see, that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions at the market price, as they shall be answerable for their neglect.

Art. 4. No officers, commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to suttlers, or shall connive at the like exactions in others; nor, by their own authority and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals liquors, or other necessaries of life, which are brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

SECTION IX

Art. 1. Every officer commanding in quarters, garrisons, or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating, or otherwise ill-treating any person; of disturbing

fairs or markets, or of committing any kind of riots to the disquieting of the good people of the United States; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offenders pay shall enable him or them, shall, upon proof thereof, be punished, by a general court-martial, as if he himself had committed the crimes or disorders complained of.

Section X

Art. 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of the good people of any of the United American States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the civil magistrate; and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to a trial. If any commanding officer or officers shall wilfully neglect or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

Art. 2. No officer shall protect any person from his creditors, on the pretence of his being a soldier, nor any non-commissioned officer or soldier who does not actually do all duties as such, and no farther than is allowed by a resolution of Congress, bearing date the 26th day of December, 1775. Any officer offending herein, being convicted thereof before a court-martial, shall be cashiered.

Section XI

Art. 1. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the general, commanding in chief the forces of the United States, in order to obtain justice, who is hereby required to examine into the said complaint, and, either by himself, or the board of war, to make report to Congress thereupon, in order to receive further directions.

Art. 2. If any inferior officer or soldier shall think himself wronged by his captain, or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said general court-martial.

SECTION XII

Art. 1. Whatsoever commissioned officer, store-keeper, or commissary, shall be convicted at a general court-martial of having sold (without a proper order for that purpose) embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States, to be spoiled or damaged, the said officer, store-keeper, or commissary so offending, shall, at his own charge, make good the loss or damage, shall moreover forfeit all his pay, and be dismissed from the service.

Art. 2. Whatsoever non-commissioned officer or soldier shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private sentinel, and shall besides suffer corporal punishment in the same manner as a private sentinel so offending, at the discretion of a regimental court-martial.

Art. 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes or accoutrements shall undergo such weekly stoppages (not exceeding the half of his pay) as a court-martial shall judge sufficient for repairing the loss or damage; and shall suffer imprisonment, or such other corporal punishment, as his crime shall deserve.

Art. 4. Every officer who shall be convicted at a court-martial of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for inlisting men into the service, if a commissioned officer, shall be cashiered and compelled to refund the money, if a non-commissioned

officer, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporal punishment (not extending to life or limb) as the court-martial shall think fit.

Art. 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Section XIII

Art. 1. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 2. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 3. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished, according to the nature of his offence, by the commanding officer.

Art. 4. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 5. Whatever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered for it; any non-commissioned officer or soldier so offending, shall suffer such corporal punishment as shall be inflicted by the sentence of a court-martial.

Art. 6. Whatever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Art. 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the next regimental court-martial.

Art. 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill-practices in the service, shall be punished by the judgment of a general court-martial.

Art. 9. Any person, belonging to the forces employed in the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 10. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his platoon or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

Art. 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters of the forces of the United States employed in parts out of said states, on pain of death, or such other punishment as a court-martial shall direct.

Art. 12. Whatsoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

Art. 13. Whatsover officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage: Every such offender, being duly convicted thereof, shall be reputed a disobeyer of military orders; and shall suffer death, or such other punishment, as, by a general court-martial, shall be inflicted on him.

Art. 14. Any person, belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death, or

such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 15. Any person, belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 16. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, cornfields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander in chief of the forces of the said states, to annoy rebels or other enemies in arms against said states, he or they shall be found guilty of offending herein, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Art. 17. Whosoever, belonging to the forces of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

Art. 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbour or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 20. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanders in chief are to be answerable.

Art. 21. If any officer or soldier shall leave his post or colors to go in search of plunder, he shall upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 22. If any commander of any garrison, fortress, or post, shall be compelled by the officers or soldiers under his command, to give up to

the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 23. All suttlers and retainers to a camp, and all persons whatsoever serving with the armies of the United States in the field, though no inlisted soldier, are to be subject to orders, according to the rules and discipline of war.

Art. 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions; but in the regiment, troop, or company to which such brevet officers and those who have commissions of a prior date do belong, they shall do duty and take rank both on court-martial and on detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Art. 25. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and give out orders for what is needful to the service; regard being always had to the several ranks of those corps, and the posts they usually occupy.

Art. 26. And in like manner also, if any regiments, troops, or detachments of horse or foot shall happen to march with, or be encamped or quarterd with any bodies or detachments of other troops in the service of the United States, the eldest officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

SECTION XIV.

Art. 1. A general court-martial in the United States shall not consist of less than thirteen commissioned officers, and the president of such court-martial shall not be the commander in chief or commandant of the garrison where the offender shall be tried, nor be under the degree of a field officer.

Art. 2. The members both of general and regimental courts-martial shall, when belonging to different corps, take the same rank which they hold in the army; but when courts-martial shall be composed of

officers of one corps, they shall take their ranks according to the dates of the commissions, by which they are mustered in the said corps.

Art. 3. The judge-advocate general, or some person deputed by him, shall prosecute in the name of the United States of America; and in trials of offenders by general courts-martial, administer to each member the following oaths:

"*You shall well and truly try and determine, according to your evidence, the matter now before you, between the United States of America, and the prisoners to be tried. So help you God.*

"*You A. B. do swear, that you will duly administer justice according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor, or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be approved of by the general, or commander in chief; neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law. So help you God.*"

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

"*You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God.*"

Art. 4. All the members of a court-martial are to behave with calmness and decency; and in the giving of their votes, are to begin with the youngest in commission.

Art. 5. All persons who give evidence before a general court-martial, are to be examined upon oath; and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the officers present shall concur therein.

Art. 6. All persons called to give evidence, in any cause, before a court-martial, who shall refuse to give evidence, shall be punished for

such refusal, at the discretion of such court-martial: The oath to be administered in the following form, viz.

"*You swear the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God.*"

Art. 7. No field-officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and of three in the afternoon, except in cases which require an immediate example.

Art. 8. No sentence of a general court-martial shall be put in execution, till after a report shall be made of the whole proceedings to Congress, or to the general or commander in chief of the forces of the United States, and their or his directions be signified thereupon.

Art. 9. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is hereby directed, that the courts-martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with that corps which shall be eldest in rank.

Art. 10. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental courts-martial for the enquiring into such disputes, or criminal matters, as may come before them, and for the inflicting corporal punishments for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the court-martial) or the commandant of the garrison, shall have confirmed the same.

Art. 11. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot conveniently be assembled, when three may be sufficient; who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer of the regiment, not being a member of the court-martial.

Art. 12. Every officer commanding in any of the forts, barracks, or elsewhere, where the corps under his command consists of detachments from different regiments, or of independent companies, may assemble courts-martial for the trial of offenders in the same manner as if they were regimental, whose sentence is not to be executed till it shall be confirmed by the said commanding officer.

Art. 13. No commissioned officer shall be cashiered or dismissed from the service, excepting by an order from Congress, or by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers, and, by the order of the colonel of the regiment, or by the sentence of a regimental court-martial, be reduced to private sentinels.

Art. 14. No person whatever shall use menacing words, signs, or gestures, in the presence of a court-martial then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Art. 15. To the end that offenders may be brought to justice, it is hereby directed, that whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by a proper authority.

Art. 16. No officer or soldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.

Art. 17. No officer commanding a guard, or provost-martial, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; which officer shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art. 18. No officer commanding a guard, or provost-martial, shall presume to release any prisoner committed to his charge without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it by the sentence of a court-martial.

Art. 19. Every officer or provost-martial to whose charge prisoners shall be committed, is hereby required, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the colonel of the regiment to whom the prisoner belongs (where the prisoner is confined upon the guard belonging to the said regiment, and that his offence only relates to the neglect of duty in his own corps) or to the commander in chief, their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for his disobedience or neglect, at the discretion of a court-martial.

Art. 20. And if any officer under arrest, shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.

Art. 21. Whatsoever commissioned officer shall be convicted, before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

Art. 22. In all cases where a commissioned officer is cashiered for cowardice, or fraud, it shall be added in the punishment, that the crime, name, place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of that particular state from which the offender came, or usually resides: After which, it shall be deemed scandalous in any officer to associate with him.

SECTION XV[1]

Art. 1. When any commissioned officer shall happen to die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects, or equipage, then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the board of war, to the end, that his executors may, after payment of his debts in quarters and interment, receive the overplus, if any be, to his or their use.

Art. 2. When any non-commissioned officer or soldier shall happen to die, or to be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms, and accoutrements, and transmit the same to the office of the board at war; which said effects are to be accounted for, and paid to the representative of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of dead officers and soldiers, should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted

[1] The original Section XV read: "All commissions granted by Congress, or by any of the Generals, having authority from Congress, shall be entered in the books of the Board of War, otherwise they will not be allowed of at the Musters." It was struck out.

to quit the same, deposit in the hands of the commanding officer or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

Section XVI

Art. 1. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the artillery of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Art. 2. For differences arising amongst themselves, or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of the other corps, taking their rank according to the dates of their respective commissions, and no otherwise.

Section XVII

Art. 1. The officers and soldiers of any troops, whether minute-men, militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial in like manner with the officers and soldiers in the regular forces, [save only that such courts-martial shall be composed entirely of militia officers of the same provincial corps with the offender.

That such militia and minute-men as are now in service, and have, by particular contract with their respective states, engaged to be governed by particular regulations while in continental service, shall not be subject to the above articles of war.][1]

Art. 2. For the future, all general officers and colonels, serving by commission from the authority of any particular state, shall, on all detachments, courts-martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States,

[1] The words in brackets were added as an amendment of the original report, being inserted in the writing of John Hancock.

take rank next after all generals and colonels serving by commissions from Congress, though the commissions of such particular generals and colonels should be of elder date; and in like manner lieutenant-colonels, majors, captains, and other inferior officers, serving by commission from any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commissions from Congress, though the commissions of such lieutenant-colonels, majors, captains, and other inferior officers, should be of elder date to those of the like rank from Congress.

SECTION XVIII

Art. 1. The aforegoing articles are to be read and published once in every two months, at the head of every regiment, troop or company, mustered, or to be mustered in the service of the United States; and are to be duly observed and exactly obeyed by all officers and soldiers who are or shall be in the said service.

Art. 2. The general, or commander in chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the foregoing articles; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.

Art. 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial.

That every judge-advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.[1]

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon

[1] These paragraphs were added to the original report, and are in the writing of John Hancock.

demand thereof made by himself, or by any other person or persons, on his behalf, whether such sentence be approved or not.[1]

Art. 4. The field officers of each and every regiment are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded, or necessitous soldiers as belong to such regiment; and such person shall account with such officer for all fines received, and the application thereof.

Art. 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.[2]

Ordered, That the same be immediately published.

Ordered, That the resolutions for raising the new army be forthwith published, and copies thereof sent to the commanding officers in the several departments, and to the assemblies and conventions of the respective states.

A petition from Charles Roberts, commander of the schooner *Thistle*, was presented to Congress, and read:

Ordered, To lie on the table.

Resolved, That the sum of 6,700 dollars be advanced to the delegates of New York, for the use of that state; the said state to be accountable.

Ordered, That Mr. [Robert Treat] Paine be directed to write to Governor Trumbull respecting the practicability of enlarging the furnace at Salisbury, for casting heavy cannon there, and request his opinion concerning the same.

[1] These paragraphs were added to the original report, and are in the writing of John Hancock.

[2] The original report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 27, folios 5-45. At the end is added, in the writing of John Hancock, the resolution on spies, printed under August 21, p. 693, *ante*.

The delegates for New York having communicated to Congress a letter of the 9th, from the committee of safety of that state, with sundry papers enclosed:[1]

Resolved, That a committee of three be appointed to take the same into consideration, and report thereon with all convenient despatch:

The members chosen, Mr. [Samuel] Chase, Mr. [Robert Treat] Paine and Mr. [Richard] Stockton.

Resolved, That a committee of three be appointed to repair to head quarters, near New York, to enquire into the state of the army, and the best means of supplying their wants:

The members chosen, Mr. [Roger] Sherman, Mr. [Elbridge] Gerry and Mr. [Francis] Lewis.

Resolved, That an assistant physician to Dr. Shippen be appointed for the flying camp and troops in New Jersey, and that his pay be two dollars and two thirds of a dollar per day:

The ballots being taken,

Dr. William Brown was elected.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 23, 1776

A letter, of the 20 and 21, from General Washington with sundry papers enclosed;

Two of the 19, from J[oseph] Trumbull;

One of the 21 September, from the convention of Delaware;

One of the 14, from R. Varick;

One of the 19, from Governor W. Livingston; and two

[1] This letter is in the *Papers of the Continental Congress*, No. 67, I, folio 268.

petitions, one from Colonel J. Stark, and one from Mons. Devourouy,[1]

And a letter from Doctor William Shippen, were laid before Congress, and read.[2]

Resolved, That the letter from Dr. Shippen be referred to the Medical Committee, and that the other letters be referred to the Board of War.

A letter, of the 14th, from General Schuyler, with sundry papers enclosed; and

A letter from Colonel Van Schaick, of the 15, being received, were read.[3]

Resolved, That they be referred to the Board of War.

A petition from Captain Archibald Hamilton, was presented to Congress, and read, praying that he may be permitted to return home, and reside with his wife and children.

Resolved, That the prayer of his petition be granted.

Resolved, That two months' pay be advanced to Mons. Colerus, as major; the same to Mons. Malmedy, and two months' pay to Mons. de Vernejous, as captain.

A letter from the speaker of the Assembly of New Jersey, with an extract of a letter from Amboy enclosed, was laid before Congress, and read:[4]

Resolved, That a copy of the letter from the Speaker of the assembly, of New Jersey, and of the enclosed letter

[1] An undated petition from John Stark is in the *Papers of the Continental Congress*, No. 42, VII, folio 21.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 5. It is printed in *Writings of Washington* (Ford), IV, 420. The letters of Trumbull are in No. 78, XXII, folios 129, 133. Dr. Shippen's letter of September 19 is in No. 78, XX, folio 55. That of the convention of Delaware is in No. 70, folio 593.

[3] The letter of Schuyler is in the *Papers of the Continental Congress*, No. 153, II, folio 368. That of Goose Van Schaick is in No. 78, XXIII, folio 17.

[4] This letter, signed by John Hart, is in the *Papers of the Continental Congress*, No. 68, folio 217. On the same sheet, in the writing of Edward Rutledge, is a draft of the resolution passed. The extract is in the same volume, folio 215.

from Amboy, be sent to General Mercer; and that he be desired to take such steps as shall effectually introduce order, and remove the complaints of the inhabitants of the state of New Jersey.

Resolved, That two members be added to the Committee on the Treasury: The ballots being taken,

Mr. [William] Hooper and Mr. [William] Ellery were elected.

Resolved, That a committee of three be appointed to devise ways and means for providing cloathing and other necessaries for the army:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [George] Wythe and Mr. R[obert] Morris.

Two letters, of the 22d, from General Washington, being received, were read.[1]

The committee, to whom were referred the several papers from the convention of the state of New York, brought in a report, which was taken into consideration: Whereupon,

Resolved, That the German batallion be ordered immediately to join the army under General Washington; and that the president inform his excellency of their march, and desire that he will order an equal number of men from his army, to garrison the forts in the highlands.

Resolved, That Mr. J. Mease be directed to supply the German battalion with such articles of cloathing as they may stand in need of; the same to be charged to their account, and deducted out of the pay of the men:

That three tons of the fifteen tons of powder, lately ordered to the northern army, and now on its way thither, be left at New Windsor, in the state of New York, and from thence conveyed to fort Montgomery; and that five tons be immediately sent from the city of Philadelphia:

[1] These letters are in the *Papers of the Continental Congress*, No. 152, III, folios 17 and 21. That of the 22d is printed in *Writings of Washington* (Ford), IV, 424.

That two companies of the marines lately raised, and now in Philadelphia, be also ordered to march immediately to fort Montgomery:

That application be made to the council of safety of the state of Pensylvania, to order one half of the artillery men, now in the service of their state, to proceed to fort Montgomery as soon as possible:

That Congress approve the measures adopted by the convention of New York, for the defence of the highlands, and will cheerfully defray all the necessary expences which may accrue.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 24, 1776

A petition from Benjamin Marshall and brothers, and one from John Hazard, were presented to Congress, and read.

Resolved, That they be referred to the Marine Committee.

A petition from Charles Startin, was presented to Congress, and read:[1]

Ordered, To lie on the table.

The Board of War brought in a report, which was read:

Ordered, To lie on the table.

The committee, to whom was referred the petition of Colonel Hazen, having brought in a report, the same was taken into consideration: Whereupon,

Resolved, That Colonel Hazen and Lieutenant Colonel Edward Antill be continued in their offices, in the army

[1] The petition of Marshall and Brothers is in the *Papers of the Continental Congress*, No. 78, XV, folio 97. It is indorsed "To be taken into consideration on Wednesday, Oct. 23, 1776."

of the United States, and that they recruit their regiment to the number of a batallion on the continental establishment:

That the settlement of Colonel Hazen's accounts of monies advanced by him, for the service of the United States, in Canada, be referred to the commissioners appointed to audit accounts in the northern department;

That one thousand and ninety five dollars be paid to Colonel Hazen, in full satisfaction for his neat cattle, sheep, swine, poultry, hay and other articles alledged to have been taken and used for the benefit of the continental army, near St. John's; which sum, together with 533 1/3 dollars already received by him on that account, is the amount of the said articles, as estimated by commissioners appointed by General Wooster for that purpose, pursuant to an order of Congress:

That the damages done to his buildings, farms, &c. by our troops or those of the enemy, ought not to be paid, unless general provision be made for compensating all others, who, by means of the war, have, in like manner, been damnified; which may be a subject worthy to be considered, after the close of the war.

Resolved, That the committee be discharged from enquiring into what respects the conduct of General Arnold; the Congress having directed General Washington to cause an enquiry to be made into the conduct of the officers, who served in Canada.

Resolved, That a committee of five be appointed to devise ways and means for effectually providing the northern army with provisions and medicines, and supplying their other necessary wants:

The members chosen, Mr. [Benjamin] Rush, Mr. [Lyman] Hall, Mr. [Samuel] Chase, Mr. [Thomas] Johnson and Mr. [Richard] Stockton.

Resolved, That the Medical Committee be directed to apply to the council of safety of Pensylvania, for a quantity of medicines; to be repaid in kind or in cash, as they shall chuse.

The Board of War brought in a farther report:

Ordered, To lie on the table.

Congress resumed the consideration of the instructions to the agent, and the same being debated by paragraphs, and amended, were agreed to.

INSTRUCTIONS TO

THERE is delivered to you herewith a Plan of a Treaty with his most Christian Majesty of France,[1] approved of in Congress, on the Part of the United States of America.

It is the wish of Congress that the Treaty should be concluded; and you are hereby instructed to use every Means in your Power for concluding it, ~~exactly~~ conformable to the Plan you have received.

If you shall find that to be impracticable, you are hereby authorised to relax the Demands of the United States, and to enlarge their Offers agreeably to the following Directions:

If his most Christian Majesty[2] shall not consent that the subjects [inhabitants] of the United States shall have the Privileges proposed in the second Article, then the United States ought not to give the Subjects of his most Christian Majesty the Privileges proposed in the first Article; but that the United States shall give to his most Christian Majesty the same Privileges, Liberties, and Immunities at least, and the like Favour in all Things which any foreign Nation the most favoured shall have; provided, his most Christian Majesty shall give to the United States the same Benefits, Privileges and Immuni-

[1] Inserted in the writing of John Hancock.

[2] In the draft the letters A and B are used instead of names.

ties which any the most favoured foreign Nation now has, uses, or enjoys. And, in Case neither of these Propositions of equal Advantages are [is] agreed to, then the whole of the said Articles are to be rejected, ~~without absolutely barring~~ rather than obstruct the further Progress of the Treaty.

The third [fourth] Article must be insisted upon.

The sixth [seventh] Article ought to be obtained, if possible; but should be waived, rather than that the Treaty should be interrupted by insisting upon it: His most Christian Majesty agreeing, nevertheless, to use his Interest and Influence to procure Passes from the States mentioned in this Article for the Vessels of the United States upon the Mediterranean.

The seventh [eighth] Article will probably be attended with some Difficulty. If you find his most Christian Majesty determined not to agree to it, you are empowed to add to it, ~~any of the following Proposals Offers or two of them, or all of them, if one or two of them should be discovered to be unsatisfactory~~

postpon'd

1. ~~If A should undertake an Expedition to recover what she lost in the West Indies during the last War with G. Britain the United States will, in that Expedition, supply France with Provisions if required, and will not supply G. Britain with any.~~

2. ~~The United States will agree to an exclusive Contract in Favour of A. during the Term of Years, for Masts and Naval Stores, as far as they can spare them.~~

postpon'd

3. ~~The United States will not, upon a Peace with Great Britain, grant to her Terms of Commerce more advantageous than those they will grant to A,~~

agreed

as follows: [That the United States will never be subject, or acknowledge allegiance, or obedience, to the king, crown, or parliament of Great Britain; nor grant to that nation any exclusive trade; or any advantages, or privileges in trade, more than to his most christian majesty; neither shall any treaty for terminating the present war between the king of Great Britain and the United States, or any war which may be declared by the king of Great Britain against his most christian majesty, in consequence of this treaty, take effect, until the expiration of ~~eight~~ six calendar months after the negotiation for that purpose shall have been duly notified, in the former instance by the United States to his most christian majesty, and in the other instance, by his most christian majesty to the United States; to the end that both these parties may be included in the peace, if they think proper.][1]

The eleventh and twelfth [twelfth and thirteenth] Articles are to be waived, if you find that the Treaty will be interrupted by insisting on it [them].

You will press the thirteenth [fourteenth] Article; but let not the Fate of the Treaty depend upon obtaining it.

If his most Christian Majesty should be unwilling to agree to the fifteenth [sixteenth] and twenty sixth Articles, you are directed to consent that the Goods and Effects of Enemies, on Board the Ships and Vessels of either Party, shall be liable to Seizure and Confiscation.

The twenty fifth Article is not to be insisted upon.

~~As the Scarcity of Arms, Artillery, and other military Stores is so considerable in the United States,~~ You will solicit the Court of France for on immediate Supply of twenty or thirty thousand Muskets and Bayonets, and a large Supply of Ammunition and brass Field Pieces, to be

[1] The sentences enclosed in brackets were an amendment in the writing of George Wythe.

sent under Convoy by France. The United States ~~will~~ engage for the Payment of the Arms, Artillery and Ammunition, and to indemnify France for the Expence of the Convoy.

Engage a few good Engineers in the Service of the United States.

It is highly probably that France means not to let the United States sink in the present Contest. But as the Difficulty of obtaining true Accounts of our Condition may cause an Opinion to be entertained that we are able to support the War on our own Strength and Resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our Favour, upon a Suggestion that a Re-union with Great Britain may be the Consequence of a delay.

Should Spain be disinclined to our Cause, from an Apprehension of Danger to his Dominions in South America, you are empowered to give the strongest Assurances, that that Crown will receive no Molestation from the United States, in the Possession of those Territories.

You will transmit to us the most speedy and full Intelligence of your Progress in this Business, and of any other European Transactions that it may import us to know.

[You are desired to get the best and earliest information that you possibly can of any negotiations that the Court of London may be carrying on for obtaining foreign mercenaries to be sent against these States the next Campaign; and if any such design is in agitation, you will endeavor to prevail with the Court of France to exert its influence in the most effectual manner to prevent the execution of such designs.

[~~If the Court of France cannot be prevailed on to engage in the War with Great Britain for any considerations already proposed in this Treaty, you are hereby authorized to agree as a further inducement, that these United States will wage the war in union with France not make peace with Great Britain until the latter France shall gain the possession of those Islands in the West Indies formerly called Nieutral, and which by the Treaty of Paris were ceded to G. Britain: provided France shall make the conquest of these Islands an early object of the War and prosecute the same with sufficient force.~~

[You are desired to obtain, as early as possible, a publick acknowledgment of the Independency of these States on the Crown and Parliament of Great Britain, by the Court of France.][1]

In conducting this important Business, the Congress have the greatest Confidence in your Address, Abilities, Vigilance, and Attachment to the Interests of the United States; and wish you every Success.[2]

Resolved, That the committee of Secret Correspondence be directed to lay before Congress to Morrow morning, the intelligence they have lately received from abroad.

Resolved, That Thursday next be assigned for appointing an agent, or agents, to transact ~~foreign~~ the business of the United States at the Court of France.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] The paragraphs in brackets were amendments by Richard Henry Lee.

[2] The original, in the writing of James Wilson, with the amendments as just noted, is in the *Papers of the Continental Congress*, No. 47, folio 157. It bears an endorsement: "Report of the Com^oe on Instructions, bro't in Septr 10, 1776."

WEDNESDAY, SEPTEMBER 25, 1776

Two letters from General Lee; one to the president of the 24 of August, the other to the Board of War of the 27th of the same month, both dated from Savannah, being received, were read.

The Committee on the Treasury reported, that there is due,

To John Bates, for 212 camp kettles delivered to Gustavus Risberg, adjutant [assistant] to the deputy quarter master general, two hundred and eighty two dollars and 60/90 of a dollar.

To Melchior Meng, for waggon hire, carrying money to Albany, with expences, going and returning, one hundred and seventeen dollars and 7/90 of a dollar.

To Samuel Johnson, for 1,047 meals supplied the militia on their march to New Jersey, 104 63/90 dollars:

To John Kerlin, for entertaining militia on their march to New Jersey, 55 27/90 dollars:

To Messrs. St. Luke la Corn, Major Campbell and Captain Frazier, prisoners from Canada, for their allowance of two dollars per week each, and for their three servants at one dollar per week each, from the 8th of July to the 23d of September, 1776, inclusive, being 11 weeks, 90 dollars.

To Peter Mathers, for entertaining militia on their march to New Jersey, 32 72/90 dollars.

To Samuel Pews, for supplying the militia with 269 meals of victuals, on their march to New Jersey, 26 81/90 dollars:

To Francis Lee, for the hire of a stage coach, agreeable to a certificate of Richard Peters, Esq. to convey General Prescot and General M'Donald, with their guard, 26 60/90 dollars.

To Jacob Henkles, for supplying troops with provisions, on their march to New Jersey, 215 52/90 dollars:

To Robert Tolbert, 18 18/90 dollars, and to Joseph M'Kellup, 45 18/90 dollars, for entertaining troops on their march to New Jersey, both sums amounting to 63 36/90 dollars, to be paid to the said Joseph M'Kellup:

To Colonel Allen M'Donald of Kingsborough, and his son Alexander M'Donald, for their allowance of two dollars per week for 21 weeks, and for their servants' allowance, 21 weeks, at one dollar per week, settled to the 17 September, 105 dollars:

Ordered, That the above accounts be paid.

Resolved, That an order for 40 dollars be drawn on the treasurer in favour of Mons. P. Govert, as captain lieutenant of artillery; the same being two months' pay advance, for which he is to be accountable.

A letter from General Washington, enclosing a letter from Brigadier General Greene, and a return of the Army, was laid before Congress, and read.[1]

Resolved, That the captains, or commanding officers of the companies of the militia of Pensylvania, make up the pay rolls of such companies as have been regularly discharged from the camp, in New Jersey, from the time of their being last paid, with the addition of a day to each man, for every twenty miles between the camp and his respective place of abode; for which an allowance of one penny per mile is to be made, without rations or subsistence. The sums due on the said rolls to be attested by the oaths or affirmations of the respective captains or commanding officers, and certifyed by one of their field officers. And the pay master in Philadelphia is hereby directed to discharge the said rolls, on certificates being

[1] This letter, with enclosure, is in the *Papers of the Continental Congress*, No. 152, III, folio 23.

produced from the commissary of stores at the flying camp, and in this city, of the re-delivery of such of the public stores as have been received by the companies aforesaid, or the regiments to which they respectively belong, or upon deducting the amount thereof from the pay of those who have not returned them:[1]

That the captains or commanding officers of such of the said militia, as are not yet returned from the camp, be directed, when discharged, to procure from the commanding officer of the camp, certificates of the sums due in their respective rolls; and in every other respect, the said captains or commanding officers, and the pay master aforesaid, are to observe the rules prescribed in the foregoing resolve for payment of the said militia.[1]

Resolved, That three gentlemen be appointed to audit and settle the accounts of the Pensylvania militia:

The ballots being taken, the following gentlemen were chosen, viz. Mr. P. Chevalier, Mr. J. Wilcox and Mr. James Mease.

The committee appointed to devise ways and means for providing cloathing, and other necessaries, for the army, brought in their report, which was taken into consideration; Whereupon,

Resolved, That it be recommended to the general assemblies and conventions of the United States, to forward to head quarters, the cloathing, blankets and necessaries, which they may have provided in consequence of the resolution of Congress of the 19th of June last, drawing on the president for the cost and conveyance thereof; in which it is hoped the utmost diligence and expedition will be used, that those who expose themselves to danger in defending and protecting their fellow citizens, may suffer as little as possible from inclement seasons:

[1] In the margin is written, "To be published."

That a committee of Congress, consisting of one delegate from each state, be appointed, with authority to employ proper persons to purchase, in their respective states, a sufficient number of blankets and woollens fit for soldiers' cloaths, and that they take the most effectual and speedy methods for getting such woollens made up, and distributed among the regular continental army, in such proportion as will best promote the public service: And that they also purchase all other necessary cloathing for the soldiers, in such proportion, as they judge, upon the best information, will be wanted; And that the said committee be authorized to draw on the president of Congress, for the sums necessary to execute this business; they to be accountable for the amount of their draughts and disbursements:

That Mr. Mease be directed to send immediately to General Gates, all the white shirts, shoes and stockings, he now has in his possession, and which are unappropriated, for the use of the northern army; and that he use the utmost diligence in buying, collecting and getting made, immediately, as many more of those articles as possible, making weekly reports to Congress of what he obtains:

That General Schuyler or the commanding officer at Albany, be desired to employ proper persons, immediately, to make up into soldier's cloaths, the woollens mentioned in General Schuyler's letter of the 29 of August last, and transmit the same, without delay, to the general commanding the northern army, for the use of such of the troops in that army, as have inlisted for three years, or will inlist during the war.

Resolved, That the commissaries and quarter master general, and deputy quarter masters general and their assistants, in the several departments, be directed to apply

to Mr. Mease for such articles of cloathing, camp equipage, and other utensils, which they may want to purchase in the state of Pensylvania for the use of the army.

Congress then proceeded to the appointment of the committee, when the following gentlemen were chosen, viz.

Mr. [Josiah] Bartlett, Mr. [Robert Treat] Paine, Mr. [William] Ellery, Mr. [William] Williams, Mr. [William] Floyd, Mr. [Richard] Stockton, Mr. [George] Ross, Mr. [Thomas] M'Kean, Mr. [William] Paca, Mr. [George] Wythe, Mr. [Joseph] Hewes, Mr. [Arthur] Middleton, and Mr. [Lyman] Hall.

Resolved, That Lieutenant Boger and Lieutenant Ball be released from prison, on signing the like parole, as the other officers, prisoners at York Town, in Pensylvania.

Resolved, That the committee to whom was entrusted the care of publishing the journals of this house, be empowered to collect from the several printers, such parts of the said journals as they have printed, and lodge them with Robert Aitken, for sale; the several printers to be paid out of the sales, in such manner as the committee shall find just and equitable; and that the said committee make a publication of the journals as far as printed, as soon as possible.

The committee appointed to devise ways and means for providing the northern army with provisions, medicines and other necessaries, brought in a report, which was taken into consideration; Whereupon,

Resolved, That a committee be immediately sent to Ticonderoga; that they give orders that a number of sheep, and a quantity of Indian meal, rice, oatmeal, and molasses, be immediately sent to Lake George and Ticonderoga; that they endeavour to contract for the provisions for the northern army, by the ration, the particulars of which to be valued, and any part not supplied, to be paid

for in money by the contractor; and that such contract be made, as far as may be, agreeable to the mode recommended by General Schuyler in his letter to Congress of the 25th of August: that the committee consult with the commanding officer in the northern department, and such other of the general officers as may be thought proper, on the best mode to re-inlist the army there, and to provide Barracks and cloathing for the troops, and especially that they engage the goods mentioned by General Schuyler, and apply such of them as may be necessary for the northern army:

That the committee be empowered to make regulations for the hospitals in the northern department, and to remove or suspend any person employed therein, and to employ such as they may think necessary and proper; and that they report to Congress the state and condition of the army, and any further regulations which they may think necessary, for the better government and supplying the said army:

That the committee consist of ~~three~~ two, and that to Morrow be assigned for electing the said committee.

Congress took into consideration the report of the Board of War: Whereupon,

Resolved, That Mr. J. Mease be directed to purchase as many tents, camp kettles, canteens, and other camp furniture, and as much cloathing as he can possibly procure, for the use of the army under the command of General Washington:

That Captain James Ross be appointed major in Colonel Hand's regiment, and that the other vacancies in that batallion be filled up as recommended by the colonel, in manner following.

1st Lieutenant John Halliday to be captain, vice James Ross, promoted:

2d Lieutenant William Wilson to be 1st lieutenant,

3d Lieutenant John Dougherty to be 2d lieutenant, and

Benjamin Lyon to be 3d lieutenant;

3d Lieutenant John Dick to be 2d lieutenant, vice Jacob Zanch, resigned; and

Robert Cunningham to be third lieutenant, vice John Dick:

That the vacancies in Colonel Ward's regiment of the Massachusetts State be filled up in the manner recommended by the colonel, viz.

Captain James Mellen, to be major; commission to be dated from the time of doing duty, viz.		August 15, 1776
Captains,	Ephraim Burr,	April 1, do.
	Ebenezer Cleveland,	July 12, do.
	Nahum Ward,	Sept. 11, do.
First lieuts.	Baxter Howe,	July 12, do.
	Samuel Shelden,	Sept. 11, do.
2d lieuts.	Jonathan Champeney,	July 12, do.
	Samuel Clofflin,	Sept. 11, do.
Ensigns,	Jonas Snow,	July 12, do.
	Caleb Noble,	July 20, do.
	Joseph Freeland,	Sept. 11, do.
Chaplain,	Ebenezer Cleveland,	Jan. 1, do.
Surgeon,	Elihu Wright,	Aug. 1, do.
Do. mate,	Israel Whiting,	July 1, do.

That Leonard Gansevoort, Junr be appointed pay master to Colonel Van Schaick's regiment; ~~raised in the state of New York~~

That Richard Varick, late captain in Colonel M'Dougal's regiment, which office he resigned, secretary to the honorable Major General Schuyler, be appointed deputy muster master general to the northern army: and

That Major Henry Brockholst Livingston, aid de camp to General Schuyler, be provided for by Congress in a station equal to his merit, when a proper vacancy happens, he being recommended by the general as a very deserving officer:

That the part of General Schuyler's letter, referred to the Board of War, which relates to Indian affairs, be referred to the committee for Indian affairs:

That the commissary general be directed to procure such quantities of salt, and to buy, cure, and lay up, in proper places, such quantities of provisions as he shall judge necessary for the next campaign:

That the commissary general's letter relative to his having drawn an order on Mr. president Hancock, in favour of Colonel Lowry, for 60,000 dollars, be referred to the Treasury Board:

That Monsieur Devourouy's petition be referred to the Marine Committee:

That the letter from his excellency Governor Livingston, of New Jersey, respecting the payment of the militia, be referred to the Treasury Board:

That so much of General Arnold's letter to General Schuyler, as relates to cloathing, be referred to the committee for providing cloaths for the army.

The committee appointed to settle the rank ||of the captains and subalterns in|| of the German batallion, brought in their report; Whereupon,

Resolved, That the rank of the captains be as follows:

Daniel Burkhart, Philip Graybill, George Hubley, Henry Fister, Jacob Bonner, George Keeports, Benjamin Weiser, William Keyser, and David Woelpper.

First lieutenants, Frederick Rolwagen, John Lora, Peter Boyer, Charles Baltzel, William Rice, Jacob Kotz, Jacob Bower, Samuel Gerock, and Bernard Hubley.

Second lieutenants, George Hawbacker, Christian Meyers, John Landenberger, Michael Bayer, George Schaeffer, Adam Smith, Frederick Yeiser, William Ritter, and Philip Schrawder.

Ensigns, John Weidman, Martin Shugart, Christian Helm, Jacob Crummet, Jacob Cramer, Paul Christman, Christopher Godfrey Swartz, and John Landenberger.

The Committee of Treasury farther reported that there is due,

To John Pluckrose, for going express from Congress to Charleston, South Carolina, one hundred and thirty two dollars:

To the steward of the Pensylvania hospital, for boarding William Whiting, a wounded soldier, four weeks, by order of Congress, 5 30/90 dollars:

To Jacob Peterman, to be paid to John Ebert, for 83 meals of victuals supplied the troops of the flying camp, on their march to New Jersey, 8 22/90 dollars:

To Gunning Bedford, Esqr for his pay and rations, from the 17 June to 17 September, 1776, being three months, 152 64/90 dollars.

Ordered, That the said accounts be paid.

The said committee farther reported, that they have considered the petition of Captain James Ross to Congress, and are of opinion, that he should be credited with the following sums charged in his account; he not having received the accounts in time, to make the stoppages, viz.

For sundry articles supplied by Mr. Slough, amounting to £182 10 5 ||=486 65/90 dollars:||

For drums, &c. by Simons & Henry, £6 9 6 ||=17 24/90 dollars:||

For cash, by committee of Lancaster county, to a waggoner, £25 0 0 ||=66 60/90 dollars:||

For part of an account of expences of his company, on their march to Cambridge, £6 14 0 ||=17 78/90 dollars:||

The whole amounting to £220 13 11, equal to 588 47/90ths dollars:

Ordered, That the said sum be passed to his credit.

The committee appointed to hear and determine upon the appeal against the sentence of condemnation passed upon the schooner *Thistle*, having reversed the decree,

Resolved, That a passport and safe conduct be granted to Charles Roberts, master of the schooner *Thistle*, for himself and the said schooner, for the space of 60 days.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 26, 1776

Agreeable to the order of the day, Congress proceeded to the appointment of commissioners to the court of France.

Resolved, That three be appointed.

The ballots being taken, Mr. [Benjamin] Franklin, Mr. [Silas] Deane, and Mr. [Thomas] Jefferson, were elected.

Resolved, That a committee of four be appointed to prepare the draught of letters of credence to the above gentlemen, and that the said committee report the ways and means of providing for their subsistance.

The members chosen Mr [Robert] Morris, Mr. R[ichard] H[enry] Lee, Mr [George] Wythe, and Mr. J[ohn] Adams.

Resolved, That secresy shall be observed until the farther Order of Congress; and that until permission be obtained from Congress to disclose the particulars of this business, no member be permitted to say any thing more upon this subject, than that Congress have taken such steps as they judged necessary for the purpose of obtaining foreign Alliance.

Resolved, That an express be sent to Mr. Jefferson to inform him of his appointment, and that a copy of the resolve for secresy be at the same time transmitted to

him, and that he be requested to inform the president at what time and place the vessel shall meet him.

Congress proceeded to the election of a committee to go to Ticonderoga; ~~and the ballots being taken,~~

Resolved, That the members be two.

The members chosen, Mr. [Richard] Stockton and Mr. [George] Clymer.

Resolved, That the committee now appointed be directed to draw up, and report to Congress, a set of instructions for the commissioners, relative to their entering into treaties or negotiations with other foreign states in Europe.

Resolved, That the Secret Committee be directed to deliver to Lieutenant Pendleton, 8 lb. of powder, for the use of his company.

The Committee of Treasury reported, that there is due,

To Jacob Shizens, for half ferriages of the militia and their baggage over Neshaminy ferry, 17 40/90 dollars:

To James M'Cree, for boarding nine men of Captain Grier's company 18 days, at the rate of 10/ ||=1 dollar and ⅓d|| per week, 30 77/90 dollars:

To John Teney, for supplying the militia with 201 meals of victuals on their march to New Jersey, 20 9/90 dollars; and to Philip Upright, for supplying them with 996 meals, 99 54/90 dollars, both sums making 119 63/90 dollars, to be paid to Adam Kimmel:

To John White Swift, for two receipts of Brigadier General Wooster, one dated 17th January, for 240 dollars, and the other 8 March, for 25 half Johannes, with interest allowed thereon, being six months, 18 days, at 6 per cent. amounts to 206 54/90 dollars, both sums making 446 dollars and 54/90 of a dollar:

To John Shultz, for boarding and lodging sundry continental troops, £75 12 6 ||=201 60/90 dollars;|| and, for

boarding and nursing sundry sick troops, £11 1 7 ||=29 40/90 dollars,|| both sums making £86 14 1 equal to 231 dollars and 19/90 of a dollar:

To Captain Philip Graybill, of the German batallion, the balance of his account for arms, accoutrements, &c. for the use of his company, and for provisions supplied them on their march from Maryland to Philadelphia, 1,168 5/90 dollars, agreeable to the following sketch, viz.

Amount of provisions account	£274. 13. 5	‖732$\frac{41}{90}$	‖
Of which he rec^{d}			
Of the Council of Safety of Annapolis	£100. 0. 0	‖266$\frac{80}{90}$ dollars	‖
Of Col: Stricker	122. 12. 6	‖327 "	‖
Of Major Veltner	37. 10.	‖100 "	‖
	260. 2. 6		
ballance	14. 10. 11	‖38$\frac{71}{90}$	‖
Amount of arms Accoutrements blankets &c	423. 9. 6	‖1,129$\frac{34}{90}$	‖

Amounting in the whole to 438. 0. 5 equal to 1,168 5/90 dollars.

||*Ordered*, That the said accounts be paid.||

Resolved, That the committee appointed to superintend the publication of the journals, be empowered and instructed to employ Robert Aitkin, to reprint the said journals from the beginning, with all possible expedition, and continue to print the same: And that this house will purchase of him 500 copies of the said journals when reprinted; and further, that he be directed to purchase, on reasonable terms, such parts of the journals as Mr. Bradford, and Cist & Co. have printed, and not yet published, to be paid for by the Congress.[1]

Resolved, That General Washington be directed to procure, as soon as possible, an exchange of the officers and

[1] In the *Papers of the Continental Congress*, No. 36, IV, folio 143, is an undated motion, in the writing of Elbridge Gerry, as follows: "That the president and Council of Pennsylvania be desired to excuse from the Service of the Militia of the said State, five of the Journeymen or Apprentices of Mr. [Robert] Aitken, upon their producing Certificates from the Committee of Congress appointed to superintend the printing of the Journals, that they are actually employed in this Service." It is indorsed "Ordered to lie."

soldiers taken on Long Island, for the same number of British officers and privates, now prisoners to the United States.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 27, 1776

Two letters from General Washington, of the 24 and 25th, with sundry papers enclosed;

A letter, of the 20th from the convention of New York;

A letter, of the 22d, from Jos. Trumbull;

A letter, of the 25th, from Colonel John Shee, enclosing his commission; And a letter, of the 25, from Jon. B. Smith, requesting leave to resign his commission ||office of deputy muster master general,|| were laid before Congress, and read.[1]

Resolved, That the letters from General Washington, with the papers enclosed, be referred to a committee of five.

The members chosen, Mr. [George] Wythe, Mr. [Francis] Hopkinson, Mr. [Edward] Rutledge, Mr. J[ohn] Adams, and Mr. [Thomas] Stone.

Resolved, That the sum of one hundred thousand dollars be advanced to the delegates of New York, for the use of that state, which is to be accountable.

Resolved, That the resignation of Colonel J. Shee and Jonathan B. Smith be accepted.

[1] These letters of Washington are in the *Papers of the Continental Congress*, No. 152, III, folios 29 and 45. That of the 24th is printed in *Writings of Washington* (Ford), IV, 438. The letter from the New York Convention is in No. 67, I, folio 298. That of Trumbull is in No. 78, XXII, folio 137. That of John Shee is in No. 78, XX, folio 59, and that of Jonathan Bayard Smith is in the same volume, folio 63.

Certain resolutions of the convention of New York, of the 20th, were laid before Congress, and read.[1]

Resolved, That they be referred to a committee of three.

The members chosen, Mr. [Thomas] M'Kean, Mr. [Edward] Rutledge, and Mr. [William] Hooper.

Resolved, That George M'Cabe, in Captain Douglas's company in the flying camp, be sent to Philadelphia, his service being necessary to the Marine Committee.

Ordered, That the Secret Committee be directed to deliver to the Board of War, the care and custody of all arms, ammunition, and other warlike stores, now under their care, or that may hereafter be imported or purchased by them for account of the United States of America.

Resolved, That the Marine Committee be empowered to pursue such measures, as they judge proper and effectual, to import ~~a sufficient quantity of salt for the use of the navy.~~ as much salt as possible.

A petition from Wm. M'Cue was presented to Congress and read.

Resolved, It be referred to the Board of War.

A petition from Hamilton Young, of New York, was presented to Congress and read, praying that he may have leave to return to Long Island, to take care of his books and effects:

Resolved, That the prayer of the said petition be granted.

Congress being informed that a number of men belonging to three of the Pensylvania batallions, have deserted from the army; Thereupon,

Resolved, That it be recommended to the convention of Pensylvania, to take the most effectual measures to com-

[1] These resolutions are in the *Papers of the Continental Congress*, No. 67, I, folio 298. They relate to Schuyler.

pel such of their troops, as have come off from the camp on New York island, immediately to return to that place; That they enquire who were the ringleaders of the mutiny, and have them sent back, under guard, for tryal; And that the convention, if they think necessary, have the assistance of the German batallion, to enable them to carry this resolve into execution. And the convention are desired to use all proper means to furnish their troops with cloathing and blankets.

The said convention are further desired, to cause all deserters from their troops to be immediately apprehended, and sent back to General Washington's head quarters.

The Marine Committee, to whom was referred the petition of Francis Guillot, brought in their report, which was taken into consideration; Whereupon,

Resolved, That Francis Guillot be permitted to fit out and arm a privateer, under the colours of the United States, and that he be permitted to equip and arm the said vessel in such place as he thinks he can do it at the smallest expence; he giving the usual securities in such cases directed by Congress.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 28, 1776

A memorial from Gunning Bedford, muster master general, was laid before Congress, and read:[1]

Ordered, To lie on the table.

The Board of War, to whom was referred the petition of William M'Cue, brought in their report; Whereupon,

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 111.

Resolved, As Congress have empowered the several states to provide for such soldiers as may be disabled in the service of the Continent, that the petition of William M'Cue be referred to the commonwealth of Virginia.

The committee appointed to prepare letters of credence, &c, brought in their report which being taken into consideration, ~~and amended, part thereof was postponed the rest was agreed to~~ the letters of credence being read and amended were agreed to.

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to all who shall see these presents, send greeting.

Whereas a trade upon equal terms between the subjects of his most christian majesty the king of France, and the people of these states, will be beneficial to both nations—Know ye therefore, that we, confiding in the prudence and integrity of [Here were inserted the names of Franklin, Deane and Lee] have appointed and deputed, and by these presents do appoint and depute them the said [names] our commissioners, giving and granting to them the said [names] or any two of them, and in case of the death, absence, or disability of any two, to any one of them, full power to communicate, treat, agree and conclude with his most christian majesty, the king of France, or with such person or persons as shall by him be for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most christian majesty and the people of the United States; and to do all other things, which may conduce to those desirable ends; and promising in good faith to ratify whatsoever our said commissioners shall transact in the premises.

Done in Congress, at Philadelphia, the thirtieth day of September, in the year of our Lord, one thousand seven hundred and seventy six. In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

Resolved, That the Commissioners should live in such stile and manner at the court of France, as they may find

suitable and necessary to support the dignity of their public character, keeping an account of their expences, which shall be reimbursed by the Congress of the United States of America.

That besides the actual expences of the commissioners, a handsome allowance be made to each of them as a compensation for their time, trouble, risque and services.

That the Secretary of the Embassy be allowed a Salary of one thousand pounds sterling per annum, with the expences of his passage out and home.

That the Secret Committee be directed to export produce, or remit bills, until they make an effectual lodgment in France of 10,000 sterling, subject to the orders of the said commissioners for their present support, and report to Congress when it is effected, in order that Congress may then consider what farther remittances to order for this purpose.

Resolved, That the farther consideration of the report be postponed.

Resolved, That 100,000 dollars be advanced to the state of Pensylvania, which is to be accountable.

Resolved, That Mr. Mease be directed to supply Captain Doyle with money sufficient to purchase riffles and blankets for his company.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 30, 1776

Two letters, from General Washington, of the 27 and 28;

One from Governor Trumbull, of the 22d, were laid before Congress, and read:[1]

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, III, folios 59 and 67. That of the 28th is printed in *Writings of Washington* (Ford), IV, 454. That of Governor Trumbull is in No. 66, I, folio 229.

A letter from Robert Franklin was also read.

Resolved, That it be referred to the Marine Committee.

A petition from J. Rowe and others, ||owners of goods on board the ship *Elizabeth*, which was taken by captains John Manly, Daniel Waters and John Ayres, commanders of the three armed vessels *Hancock*, *Lee* and *Lynch*, and libelled in the court maritime for the state of New Hampshire, and, by the sentence of the said court, acquitted; against which sentence, an appeal has been entered,|| was presented to Congress and read, ||praying that the said appeal may be heard and determined;|| Whereupon,

Resolved, That a committee of five be appointed, with full powers to hear and determine on the appeal brought against the sentence passed on the libel against the ship *Elizabeth*.

The members chosen, Mr. [Robert Treat] Paine, Mr. [Samuel] Huntington, Mr. [Thomas] Stone, Mr. [George] Wythe and Mr. [James] Smith.

A letter from B. Flower, commissary of military stores, directed to the Board of War, was laid before Congress, and read.

Resolved, That the Board of War be empowered and directed, on the requisition of the general, or commanding officers in the several departments, to send such articles of military stores and other necessaries, which they may have in their possession, or can procure.

Resolved, That the Board of War be directed to order the three Virginia batallions, now on their march to New York, to be lodged in the barracks at Wilmington; there to remain till farther orders.

Resolved, That the sum of 5,000 pounds, equal to 13,333 1/3d dollars be advanced to Messrs. Hughes, in part payment for the cannon they have contracted to make for the Continent; they to be accountable.

Resolved, That a member be added to the Committee on the Treasury:

The member chosen, Mr. [Francis] Hopkinson.

A petition from Mons. De Boy, and one from Ja. Vallier [La Vallière], were presented to Congress and read.

Resolved, That they be referred to the Board of War.[1]

A petition from Jacob Sheafe, and a petition from Colonel M. Hazen, were presented to Congress, and read.

Resolved, That the petition from Colonel Hazen be referred to the Canada committee.

The committee, to whom were referred the letters from General Washington, of the 24 and 25 of this instant, September, and the papers enclosed therein, brought in their report, which was taken into consideration; Whereupon,

Resolved, That General Washington be directed to call upon such of the members of the court martial, as sat upon the trial, and concurred in the acquittal of Ensign Macumber, to assign their reasons for their first judgment; that those reasons, together with the names of such of the said members, who were for the acquittal, be returned to Congress:

That Mr. M'Donald, having a commission of brigadier general from Governor Martin, be not exchanged for any officer under the rank of brigadier general in the service either of the United States or of one of them:

That it be recommended to the legislatures of the United States, to appoint gentlemen in their respective states, skilful in physic and surgery, to examine those who offer to serve as surgeons or surgeons' mates in the army and navy; and that no surgeon or mate shall hereafter receive a commission or warrant to act as such, in the army or

[1] The petition of Peter Francis De Boy is in the *Papers of the Continental Congress*, No. 42, I, folio 95. That of La Vallière is in No. 42, VIII, folio 1. An earlier letter from La Vallière, dated "Mole le 12 juilliet, 1776," is in No. 41, IX, folio 5.

navy, who shall not produce a certificate from some or one of the examiners so to be appointed, to prove that he is qualified to execute the office:

That all regimental surgeons and mates, as well as those of the hospitals, be subject to the direction and controul of the directors in the several departments:

That no soldier be discharged from the service as disabled, unless the certificate of disability be countersigned by the director, assistant physician, or first surgeon of the hospital, nor be excused from duty for sickness, unless the certificate of sickness be countersigned by one of those persons, where access may be had to them.

Resolved, That the remainder of the said report be postponed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 1, 1776

Resolved, That the sum of 60,000 dollars be advanced to Mr. James Mease, for the payment of the militia, and to pay for the articles he is ordered to purchase; he to be accountable.

Whereas, a full representation in Congress of the several United States, is highly necessary on business of much importance to America; therefore,

Resolved, That the president be desired to write letters to the conventions and assemblies of the respective states, requesting that measures be taken, to cause, as speedily as possible, a full representation of the said states in Congress.[1]

[1] "The Congress being at present deeply engaged in matters of the utmost importance to the welfare of America, have judged it absolutely necessary that there should be a full representation of the several States as soon as possible. For this end I am

Stephen Moylan, Esq: having resigned his office of quarter master general of the continental army,

Resolved, That Brigadier General Mifflin be authorized and requested to resume the said office, and that his rank and pay, as brigadier, be still continued to him:[1]

That a committee of ~~three~~ four be appointed to confer with Brigadier General Mifflin:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Roger] Sherman, Mr. J[ohn] Adams, and Mr. [Elbridge] Gerry.

Resolved, That a committee of five be appointed to prepare, and bring in a plan, of a military Academy at the army:

The members chosen, Mr. [William] Hooper, Mr. [Thomas] Lynch, Mr. [George] Wythe, Mr. [William] Williams and Mr. J[ohn] Adams.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 2, 1776

A letter, of the 30 September, from General Washington, with two papers enclosed, was laid before Congress, and read.[2]

to request, in obedience to their commands, you will immediately take proper measures to comply with the enclosed resolve, in order that the United States may be fully represented in Congress, and the sentiments of America be the better known upon those interesting subjects that lie before them I shall therefore only once more request your compliance with this requisition of Congress; and have the honour to be, gentlemen, your most obedient and very humble servant." *John Hancock to the Assembly of New Hampshire*, 2 October, 1776. Force, *American Archives*, Fifth Series, II, 839.

[1] "We have obtained Colonel Moylan's resignation, and General Mifflin comes again into the office of Quartermaster General." *Elbridge Gerry to Horatio Gates*, 27 September, 1776.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, III, folio 75.

Resolved, That William Shepard be promoted to the rank of colonel of the regiment, whereof he is now lieutenant colonel.

A letter from Colonel S. Moylan, of the 27, 1776.

One from General Gates, of 23 September.[1]

One from Colonel Wayne, 23d do.

One from Brigadier General Mercer, recommending Colonel Humpton to the command of a regiment in the new army, and Captain Dawson to a majority.

And a petition from Bartholomew Von Heer, was presented to Congress, and read.

Resolved, That the same be referred to the Board of War.

A petition from John Bayard, Alexander Henderson and Matthew Irwin, was presented to Congress, and read; Whereupon,

Resolved, That the Board of War be directed to sell the petitioners, 1,600 lb. of powder, and 800 lb. of lead, for the use of their privateers, *General Lee* and *Colonel Parry*.

The committee appointed to confer with Brigadier General Mifflin, reported, that, upon the conference, they find the following supplies will be necessary for the use and comfort of the army, which ought to be procured as soon as may be, viz. 200 waggons, with four horses each; 50 ox teams, with 2 oxen each, for sundry uses; 50 drays, with one horse each, for various small services; 100 strong horses for the artillery, 50 horses, for expresses and commissary uses; 25,000 bushels of Indian corn; 15,000 bushels of oats; 10,000 bushels of rye meal; 10,000 bushels of spelts; 1,800 tons of hay; 50 cutting boxes; 2,000 axes; 2,000 wheel and hand barrows; 8,000 cords of wood; a set of carpenters' tools for each regiment; a waggon master, and one deputy; 20 conductors of waggons on captains'

[1] The letter from Gates is in the *Papers of the Continental Congress*, No. 154, I, folio 101. That of Moylan is in No. 78, XV, folio 101.

pay, allowing 10 waggons for each conductor; 5 conductors for the artillery; 100 casks of nails and spikes; 10,000 knapsacks; 10,000 camp kettles; two million feet of boards, planks and joists, for barracks, platforms, &c.

That a company of 50 blacksmiths should be immediately sent to camp, 12 makers of harness and collars, and 25 wheelwrights.

Resolved, That for these various and necessary supplies, 300,000 dollars be furnished to the quarter master general:

That one eighth part of a dollar, over and above their soldiers' pay, be allowed to such persons as are necessarily draughted for quarter masters' uses:

That as 5,000 tents will be necessary for the spring campaign, they be provided in due time:

That it be recommended to the several states, to make legal provision to compel the furnishing of necessary supplies and assistance to the quarter master general of the continental army, on reasonable terms, for the public use.

Resolved, That a committee be appointed to consider of a plan for providing carriages for the public service, so as any demand may be speedily complied with, and all oppression of private persons effectually prevented:

The members chosen, Mr. [John] Witherspoon, Mr. [James] Smith, and Mr. [Samuel] Huntington.

Resolved, That Benjamin Fishbourne be appointed pay master to the second Pensylvania batallion, commanded by Colonel Wood.

A memorial from the committee of safety for the commonwealth of Pensylvania was presented to Congress, and read:

Resolved, That it be referred to the Committee on the Treasury, who are directed to report thereon as soon as possible.

The Committee on the Treasury reported that there is due,

To George Measam, on account of sundry articles supplied the army in Canada, 90 47/90ths dollars:

Ordered, That the said account be paid.

The committee, to whom the resolutions from the convention of New York, were referred, brought in a report; Whereupon,

Resolved, That the president be desired to write to General Schuyler, and inform him, that the Congress cannot consent, during the present situation of their affairs, to accept of his resignation, but request, that he continue the command which he now holds; that he be assured, that the aspertions, which his enemies have thrown out against his character, have had no influence upon the minds of the members of this house, who are fully satisfied of his attachment to the cause of freedom, and are willing to bear their testimony of the many services which he has rendered to his country; and that, in order effectually to put calumny to silence, they will, at an early day, appoint a committee of their body, to enquire fully into his conduct, which, they trust, will establish his reputation in the opinion of all good men.

Resolved, That the limits prescribed in the parole of John Foxcroft and Francis Dashwood, Esquires, be extended as far as the bounds of Pensylvania, within which they are to confine themselves, till farther orders.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 3, 1776

On application from the council of safety of North Carolina,

Resolved, That Michael Holt, a prisoner in the gaol in Philadelphia, be discharged from his imprisonment, that he may return to his family; he taking the oath prescribed by the said council of safety.

Resolved, That Mr. J. Mease be directed immediately to purchase one hundred hogsheads of rum, and forward the same to the commissary general, for the use of the army.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Mercer's letter, ||which was received and read yesterday,|| recommending Colonel Humpton and Captain Dawson for promotion, be referred to the council of safety of Pensylvania:

That Captain Persifor Frazer be commissioned as major of Colonel Wayne's Pensylvania batallion, in the room of Major Haussegger, promoted.

The committee appointed to repair to the camp, being returned, brought in their report, which was read:

The Committee, appointed to enquire into the state of ye Army at N. York and ye best Means of Supplying its Wants, beg Leave, to report; that having left this City ye 21st Ulto, they arrived at ye Camp ye 24th, and after three Days Conference with ye General officers and an Interview with many of ye Staff, they found ye following to be a State of Facts:

That the Number of Men of which the Army then consisted, including non Commission officers and 3,649 Men taken from ye flying Camp, was 25,375; of which 16,905 were fit for Duty, 1,543 on Command, and ye Residue Sick or absent.

That of the effective Troops, about 4,500 were at different posts on ye Jersey Shore, at and between Fort Constitution and Bergen, ye others on ye Heights of Harlem and Kingsbridge.

That it was necessary in ye Opinion of ye General Officers to reinforce ye Army aforesd wth 15,000 Men, and to compleat ye Levies for ye flying Camp agreable to ye former Orders of Congress, by which Means it would consist of about 11,500 Men.

That as part of ye 15,000 Men, it was found that ye Militia on their March from ye Massachusetts Bay and Connecticut, and continental Troops from Rhode Island, pennsylvania, Virginia and N. Carolina, with Colo. Durcky's Regiment then at Bergen, and not included in ye Returns, would amount to upwards of 11,000 Men.

That some of ye Troops in Camp were badly officer'd and not subject to that Command which good Troops ought ever to be.

That ye Articles of War and General Orders were frequently transgressed, and ye Commander in chief had ye Mortification to see, that some of his officers, on whom he ought to have depended for suppressing disorderly Behaviour, encouraged ye Soldiers by their own Examples to plunder and commit other offences, or studiously endeavoured to excuse them from just punishment by partial Tryals.

That ye Army was well supplyed with provisions excepting Vegetables wch were not then to be procured, and that ye Comm'y General was in want of salt.

That ye Sick have been greatly neglected, and Numbers to ye great prejudice of ye Service have dyed from Want of Necessaries and Attendance; each Regiment has been hitherto furnished with an Hospital under ye Care of ye regimental Surgeon, in Consequence of which, on a Removal of ye Army, ye numerous Sick of all ye said Hospitals, have been suddenly delivered to ye Director General, who not being provided wth a General Hospital or Surgeons and Nurses sufficient for ye purpose, has not been able to prevent ye Evils complained of; added to this ye Adjutants have frequently neglected to make Returns to ye Director and Commissary General, of ye Sick in their respective regiments, without which they could not receive ye Amount of their Rations agreeable to Order of Congress in Necessaries provided by ye Director.

That in ye Department of ye Colonel of Artillery and Commissary of military Stores 10 Tons musket and rifle Powder, 20 Tons buck Shot, 200,000 Flints, 18 brass Field peices, 6 pounders, and 18 three pounders, 1,000 yds. fine white Flannel and a Quan^{y} of Tin were wanted. Y^{e} Number of Conductors now employed are insufficient, and ye Army is found to be an improper place for ye principal Laboratory of ye Continent.

That ye military Chest has been too frequently unsupplied with Money, which ought to be remedied in future; but that at present ye paymaster has a Sum fully equal to ye Generals Wishes.

That Cloathing and Blankets are greatly wanted, and a Supply has been neglected, as well from ye Want of a proper Officer to superintend ye Business, as from ye Scarcity of these Articles:

That military Discipline has been omitted in Consequence of ye Unskilfulness of many of ye Regimental officers, and ye Want of a proper officer detached from other Services to instruct them therein.

To remedy these Inconveniences ye Committee beg Leave to report ye following Resolutions:[1]

Ordered, To lie on the table.

Resolved, That Charles Startin be permitted, with his wife and family, to return to England from any of the United States he thinks proper, except New York.

The Board of Treasury reported, that there is due,

To Martin Housman, for the hire of his waggon and ferriages, with Generals Prescot and M'Donald's baggage to Newark, forty three dollars.

To George Campbell, for his and Mr. Caldwell's and Mr. Tod's expences, as an escort to money from Philadelphia to Albany, 189 67/90ths dollars:

To John Sparhawk, for quills, &c. for the use of the Treasury Office, 27 84/90ths dollars:

[1]This is the preamble to the report, in the writing of Elbridge Gerry, in the *Papers of the Continental Congress*, No. 21, folio 5. The paragraphs of the report, including such as were not adopted, will be found under October 8 and 9, *post*. With this report was presented a letter, signed by Henry Knox giving "Hints for the improvement of the artillery." It is in the same volume, folio 29.

[2] "The committee who were appointed to inspect the state of the army, etc., at Harlem, have returned, and represented things in a more favorable light than we had used to view them. Methods are taking that the army shall be better disciplined and provided in every respect than it hath been. Although we have some good officers in some of the principal departments, yet in others there is great want of skill and abilities. The Quartermaster General, Moylan, was persuaded by the committee to resign, and Brigadier General Mifflin to accept that office, with the rank and pay of Brigadier General. This appointment will give great satisfaction to the army, for General Mifflin is not only well acquainted with the business of the office, but he hath spirit and activity to execute it in a proper manner." *William Ellery to Governor Cooke*, 5 October, 1776. *Rhode Island in the Continental Congress*, 89.

To Ludwick Karcher, a balance of three thousand one hundred and fifty dollars and 36/90ths dollars; the whole of his account amounting to 8,483 66/90ths dollars; of which he has received 5,333 30/90ths dollars; ||the balance is 3,150 36/90ths:||

Ordered, That the above sums be paid.

Congress took into consideration the report of the Board of Treasury, on the ways and means for raising a farther sum of money; Whereupon,

Resolved, That five millions of continental dollars be immediately borrowed for the use of the United States of America, at the annual interest of four per cent. ||per annum:||

That the faith of the United States be pledged to the Lenders for the payment of the sums to be borrowed, and the interest arising thereon, and that certificates be given to the lenders in the form following:

The United States of America acknowledge the receipt of dollars from , which they promise to pay to the said , or bearer, on the day of , with interest annually, at the rate of four per cent. per annum, agreeable to a resolution of the United States, passed the third day of October, 1776. Witness the hand of the treasurer, this day of , A. D.

"Countersigned" by the commissioners of one of the loan offices hereafter mentioned.

That for the convenience of the lenders, a loan office be established in each of the United States, and a commissioner, to superintend such office, be appointed by the said states respectively, which are to be responsible for the faithful discharge of their duty in the said offices:

That the business of the said commissioners shall be to deliver certificates for all such sums of money, as shall be brought into their respective offices, agreeable to these resolutions, which certificates shall be indented and the checks kept in the said office, to keep books, in which

regular entries shall be made of the sums borrowed, and the time when, and the names of the persons by whom the said sums were lent, to transmit to the continental treasurer, once a month, an account of the cash in their respective offices, and to answer all draughts of the treasurer to the amount of the cash, which they shall, at any time, have in their hands, as aforesaid:

That the treasurer of the United States shall send to the respective loan offices, such a number of certificates and of such denominations as shall be ordered by the commissioners of the treasury:

That no certificate be issued for a less sum than 300 dollars:

That the several sums of money to be borrowed, shall be repaid at the office where the same was lent, at the expiration of three years, and that the annual interest shall be likewise paid at the said office:

That the said commissioners of the respective loan offices be entitled to receive of the United States, one eighth per cent. on all monies which shall be brought into their respective loan offices, in lieu of all claims and demands, that they may have for transacting the business of their said office.[1]

Resolved, That the Secret Committee be empowered to take such measures, as they shall judge necessary, for purchasing, arming and equipping, a frigate and two cutters, in Europe, and to give proper orders for the said frigate making a cruize in the British channel against our enemies, and for the said cutters to be employed in transporting to these states, such articles, as the said Committee have been ordered to import.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] Printed in the *Pennsylvania Gazette*, 16 October, 1776.

FRIDAY, OCTOBER 4, 1776

A petition from the officers and men of the brig *Andrew Doria* was presented to Congress and read; Whereupon,

Resolved, That the continental agents in Philadelphia be directed, with all despatch, to make an estimate of all the prizes taken by the *Andrew Doria*, ~~or to a share of which she is entitled,~~ and lay the same before the Marine Committee for their approbation; which being obtained, that the said agents be directed to pay to the officers and men of the *Andrew Doria*, one half of what may be estimated to be due to them:

That the said agents be farther directed to make an estimate of the stores and prizes taken by the fleet, commanded by Commodore Hopkins, and brought from Providence, and lay the same before the Marine Committee for approbation, as aforesaid, and pay to the officers and men entitled thereto, one half of what may be estimated to be due to them.

A letter of the 2d and 3d, from General Washington;

Two letters, of the 25 and 26 September, from General Schuyler, ||being received, were read.||[1]

Congress took into consideration the report of the committee sent to head quarters; and, after debate, the farther consideration thereof was postponed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 87. It is printed in *Writings of Washington* (Ford), IV, 461. The letters from Schuyler are in No. 153, II, folios 382, 415.

SATURDAY, OCTOBER 5, 1776

Sundry letters were laid before Congress, and read.

One, of the 23d of September, from James Bowdoin, with a copy of resolutions passed by the general assembly of Massachusetts bay;

One from Governor Livingston, of the 3d October; and

One from the Committee of Safety of New Hampshire, dated 24 September.[1]

Resolved, That the letters from General Washington and General Schuyler, with the papers enclosed, which were read yesterday, be referred to the Board of War:

That the letter from Mr. Bowdoin be referred to the Marine Committee:

That the letter from Governor Livingston be referred to a committee of three, and that the said committee be directed to take into consideration the case of the prisoners in the gaol of Philadelphia.

The members chosen, Mr. [Thomas] Lynch, Mr. [George] Ross, and Mr. [William] Floyd.

Resolved, That the petition of Jacob Sheafe be referred to the commissioners appointed to hear and determine upon the appeal in the case of the *Elizabeth:*

Resolved, That the Board of War be directed to sell to Joseph Golden, 10 lb. of powder.

Resolved, That R. Peters, Esq. be empowered to prosecute the appeal in the case of the *Elizabeth*.

Resolved, That five months' pay be advanced to the officers and three month's pay to the men who were taken prisoners in Canada, and sent to these United States by General Carleton.

[1] The letter from James Bowdoin is in the *Papers of the Continental Congress*, No. 65, I, folio 113. The resolution was dated September 18th. That from William Livingston is in No. 68, folio 223.

Resolved, That the report of the Board of War, which was brought in the 14 of September, be taken into consideration on Monday next; and

That the Board of War, be directed to bring and lay before Congress, the papers relative to the dispute between the court martial and General Arnold.

Resolved, That the continental agents be directed to deliver to the commissary general, for the use of the army, all the salt in their hands belonging to the Continent.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 7, 1776

Resolved, That the sum of 8,000 dollars be advanced to the committee of Lancaster, to defray the expences of enclosing the barracks in that borough with a stockade, and to pay and subsist the guard; the said committee to be accountable.

Congress proceeded to the election of a deputy muster master general for the flying camp, in the room of Jonathan B. Smith; when, the ballots being taken,

William Davies was elected.

A letter, from Brigadier General [James] Moore, of the 19 September, and

A letter from John Hanson, dated St. Croix, 14 August, were laid before Congress, and read:[1]

Resolved, That it be recommended to the assemblies and conventions of the United States, respectively, to

[1] General Moore's letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 93. That of John Hanson is in No. 78, XI, folio 75.

annex such penalties, by law, to the crime of counterfeiting the bills or notes of the continental loan office, as are or shall be annexed to the crime of counterfeiting the continental currency.

Ordered, That the resolutions for borrowing five millions of dollars, together with the above resolve, be published; and copies thereof sent to each of the United States, and that the respective states be desired to send to the committee of the continental treasury, the names of the commissioners by them appointed in consequence of the said resolutions.[1]

A petition from James Browne, a prisoner, was laid before Congress, and read, praying for leave to return to Ireland, the place of his nativity:

Resolved, That the prayer of the petition be granted.

General Lee having informed Congress of his arrival in Philadelphia, and that he waited their orders:

Ordered, That General Lee be desired to attend in Congress.

Resolved, That a commissary of prisoners of war be appointed in each of the United States:

That the said commissaries be directed to make monthly returns of the state and condition of the prisoners, under their respective care, to the Board of War:

That the said commissaries be appointed by the respective states.

Agreeable to order, General Lee attended; and having given an account of the state of affairs in the southern department, he withdrew.

The Secret Committee having informed Congress, that they had chartered and loaded in Virginia, the *Aurora*, late the prize ship called the *Oxford*, for account of the continent:

[1] Printed in the *Pennsylvania Gazette*, 16 October, 1776.

Resolved, That the president write to the governor and council of Virginia, and request them to give all the assistance in their power, in manning and despatching the said ship.

Resolved, That Matthias Hite, a first lieutenant of the eighth Virginia batallion, have a continental commission, in lieu of that which he received from the committee of safety ||of that state||; and that his commission bear date the 19 February last.

Resolved, That General Lee be directed to repair to the camp on the heights of Harlem, with leave, if he thinks it proper, to visit the posts in New Jersey.

The committee appointed to take into consideration the application of the president of South Carolina, in behalf of General Lee, reported,

That this Congress, having a just opinion of the abilities of General Lee, applied to him to accept a command in their service, which he readily agreed to, provided the Congress would indemnify him against any loss, which he might sustain in consequence thereof, he having, at that time, a considerable sum of money due to him by persons in the kingdom of Great Britain, which he was resolved to draw from thence as soon as possible. That the Congress unanimously concurred in his proposal: That General Lee accordingly entered into their service; that he has since drawn bills upon his agent in England, which bills have been returned protested. That General Lee, having purchased an estate in Virginia, the purchase money for which has been long due, is likely to sustain, by means of the protested bills, many injuries, unless this house prevent the same by an advance of thirty thousand dollars: Whereupon,

Resolved, That the sum of 30,000 dollars be advanced to General Lee, upon his giving bond to the treasurer to account for the same, and taking such steps, in conjunction with Robert Morris, Esqr on behalf of the Congress, as will secure the most effectual transfer of his estate in England, to reimburse the Congress for the advance now made to him.

Resolved, That the committee, who brought in the foregoing report, be directed to prepare a suitable bond.

Congress took into consideration the report of the Board of War of the 4th instant: Whereupon,

Resolved, That Monsieur Pierre François de Bois be commissioned as a major by brevet, and sent to General Mercer, to be employed in such way as he shall think proper:

That Mr. Bartholomew Von Heer's account be referred to the Board of Treasury.

The committee appointed to enquire into the causes of the miscarriages in Canada, brought in a report:

The Committee appointed to enquire into the causes of the Miscarriages in Canada having, pursuant to the directions of Congress, enquired how certain Goods taken from John Bernard and [ ] Wadden[1] of Montreal were disposed of, Report, That upon examining several Witnesses and papers it appears, that about the middle of the month of March last, The Said Bernard and Wadding sent from Montreal, twenty nine Sleighs, laden with goods to be carried to the Indian Country, contrary to the orders of the Commanding officer, in Canada; that said Sleighs were pursued by order of General Wooster, and seven of them taken and brought back, and the goods contained in them, delivered to the keepers of stores for the use of the Army, and proper receipts taken for the same as follows: viz. one pair of three point half Blankets to *Francis Duclos*. Three Camp Kettles for the use of the Hospital, to *W. V. Wimple* Surgeon; one pair two point 1/2 Blankets to *John Higgins*. 17 Bags of Bread partly damaged, 19 Baggs of flour, 27 Baggs of Corn, one Bagg of peas, 3 Kegs of hogs lard, 11 Kegs Pork and 4 Kegs of Rum, to *Henry Benson*, Assistant Deputy Commissary. 5 Bales of Goods such as are usually sent in the Indian Trade, one bundle of Indian truck, containing coarse hats, shirts &c, one roll of Pig tail tobacco, 1 Barrel of powder, 1 piece blue Strouds, a parcel of oil cloth Cords, &c. to George Measam Superintendent of Stores.

It further appears by an account exhibited by George Nicholson, that he and Capt. Scott kept for their own use, 1 five Gallon Keg of

[1] This name is variously spelled: Woodon, Woodin and Wadden. He was a member of the house of Woodon & Bernard.

red wine, 1 Keg of New England Rum, 4 pounds Chocolate and 3 pounds of loaf Sugar.

That said Nicholson delivered five Camp Kettles, to Colo. Hazen, 3 ditto to Doctr. Lynn for the General Hospital, and 3 ditto for the red hospital at St Foys. One bale of Tobacco to the Friend Indians at different times by order of General Wooster. The said Nicholson further says, that the aforesaid Articles are the whole of the goods that were taken from said Bernard & Wadden as aforesaid. That said Measam delivered to the Commissioners in Canada an Invoice of the Goods contained in the several packages received by him. *Resolved*, that it is the opinion of this Committee that the Settlement of the Accounts respecting the disposition of said Goods with the several persons who received the same as aforesaid, ought to be referred to the Commissioners appointed to settle Accounts in the Northern department, and that the receipts and other papers relating thereto be transmitted to them.[1]

Ordered, To lie on the table.

Congress took into consideration the report of the committee on the letters from General Washington of the 24 and 25th of September: Whereupon,

Resolved, That as a further encouragement for gentlemen of abilities, to engage as commission officers in the batallions to be furnished by the several states, to serve during the war, their monthly pay be increased as follows:

A colonel, 75 dollars; lieutenant colonel, 60; major, 50; captain, 40; lieutenant, 27; ensign, 20; quarter master, 27½; adjutant, 40 dollars.

Resolved, That the further consideration of the report be postponed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the writing of Roger Sherman, and is in the *Papers of the Continental Congress*, No. 19, I, folio 315. With it are statements of goods taken at Montreal, signed by George Measam, Superintending Intendant of Stores.

TUESDAY, OCTOBER 8, 1776

Two letters, from General Washington, of the 4 and 5, with sundry papers enclosed, were laid before Congress, and read.

Ordered, To lie on the table.

One from the convention of New York, of the 4th;

One, from the council of Massachusetts bay, September 27;

Ordered, To lie on the table.

One from John Heyleger, dated St. Croix, 4 September, 1776.

One from John Livingston, of the 2d. October.[1]

Resolved, That the letter from John Heyleger be referred to the Board of War.

That the letter from John Livingston be referred to the Secret Committee, who are directed to send to Mr. Livingston's mill, the 10 tons of salt petre, sent last winter to Massachusetts bay.

Three petitions in behalf of themselves and others, prisoners, were presented to Congress, and read.

Resolved, That they be referred to the committee on the state of the prisoners.

Resolved, That a member be added to the said committee.

The member chosen, Mr. [Benjamin] Rush.

Whereas it is necessary that the most speedy and effectual measures be taken for raising the new army,

Resolved, That it be recommended to the assemblies, conventions, and councils of safety of the several states, which have any regiments now in the continental service,

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, III, folios 103, 111. They are printed in *Writings of Washington* (Ford), IV, 466, 476. The letter from the the convention of New York is in No. 67, I, folio 336. That of the council of Massachusetts Bay is in No. 65, I, folio 119. That of Heyleger is in No. 78, XI, folio 89.

either at New York, Ticonderoga, or New Jersey, that they forthwith appoint committees to proceed to those places, with full powers to appoint all the officers of the regiments to be raised by their states under the new establishment, that such officers may proceed immediately to inlist such men as are now in the service, and incline to re-inlist during the war, and that such committees be instructed to advise with the general officers, and promote such officers as have distinguished themselves for their abilities, activity, and vigilance in the service, and especially for their attention to military discipline.

That the said committees be also instructed not to appoint any officer, who has left, or shall leave his station in the army, and is absent without leave from the general, or some other officer having authority to grant the same.

Ordered, That a copy of the above resolutions be sent to each of the United States.

Congress resumed the consideration of the reports of the committees on the general's letters, and of that which went to the camp;[1] Whereupon,

Resolved, That, for the farther encouragement of the non-commissioned officers and soldiers who shall engage in the service during the war, a suit of cloaths be annually given each of the said officers and soldiers, to consist, for the present year, of two linen hunting shirts, two pair of overalls, a leathern or woollen waistcoat with sleeves, one pair of breeches, a hat or leathern cap, two shirts, two pair of hose, and two pair of shoes, amounting, in the whole, to the value of twenty dollars, or that sum to be paid to each soldier, who shall procure those articles for himself, and produce a certificate thereof, from the captain of the company to which he belongs, to the pay master of the regiment.

[1] See note under October 3, p. 844, *ante*.

Resolved, That it be recommended to the assemblies and conventions of the respective states, from Virginia to New Hampshire, inclusively, to take the most effectual measures for completing, by the 10th of November, their proportions of the levies to be raised during the war. ~~That each man be well cloathed, armed, accoutred, and furnished with a blanket, and that draughts be made of men from such of the counties, towns or districts as shall not have compleated their proportion by the time aforesaid, to continue in the service during such deficiency.~~

As the army has greatly suffered through the defect of some of its regimental officers,

Resolved, That it be recommended to the assemblies and conventions of the respective states, to use their utmost endeavours that all the officers to be hereafter appointed, be men of honor and known abilities, without a particular regard to their having before been in service.

Resolved, That the further consideration of the reports be postponed till to Morrow.

The Secret Committee having informed Congress that a vessel was arrived with sundry articles by them imported on account of the Continent,

Ordered, That the said committee deliver to the Board of War such articles as are suitable for the army, and to the Marine Committee such articles as are for the navy, and to Mr. J. Mease such as are suitable for cloathing, to be made up into cloaths for the soldiers.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

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